

Environmental Authorisations (Scotland) Regulations 2018

Proposed types of authorisation for

- **Waste management activities**
- **Water activities**
- **Industrial activities**



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How to respond

You can respond to this consultation by sending an email to iaf@sepa.org.uk. If responding by email, please complete and return the Respondent Information Form with your response.

If you wish to respond another way, please [contact us using our online contact form](#) or by phone: 0800 80 70 60 and we'll arrange for an Officer to call you back.

Responses must be submitted before 12 April 2024. Earlier responses are welcomed.

Handling your response

We would like to know if you are happy for your response to be made public. If you ask for your response not to be published, it will be regarded as confidential and treated in accordance with SEPA's published [Privacy Policy](#).

You can indicate your preference in the Respondent Information Form.

1. Introduction

The Scottish Environment Protection Agency (SEPA) is Scotland's principal environmental regulator, protecting and improving Scotland's environment.

In 2018, Scottish Government brought in the Environmental Authorisations (Scotland) Regulations 2018 (EASR 2018). The aim of these Regulations is to provide a standardised, simplified, common framework for environmental authorisations in Scotland, known as an Integrated Authorisation Framework (IAF).

Radioactive substances were the first activities to be regulated under this framework. Scottish Government is now consulting on proposals to bring waste, water, and pollution prevention control activities, under these Regulations.

SEPA wants to be transparent about how it intends to meet statutory obligations under these Regulations. We want to get it right, with simpler, more effective, procedures and systems.

This consultation seeks your views on the type of authorisation that would be required.

This consultation:

- proposes the type of authorisation that would normally be required for each activity
- provides an explanation, where necessary, on why an activity requires the type of authorisation proposed

SEPA will consult separately on proposed changes to application and subsistence charges for environmental authorisations. We anticipate this will take place later in 2024. Wherever possible, in this consultation, we have indicated where a change in our regulatory approach is likely to result in a change to the current charging structure.

SEPA will consult separately on proposed Standard Conditions that will apply to all Registration level authorisations. We anticipate this will take place later in 2024.

You may find the list of published SEPA guidance below helpful when considering your response to this consultation. Please note we are not consulting on this guidance, it is provided for information only.

- [Authorisation Guide for radioactive substances activities](#)
- [Public Participation Statement: Guidance under the Environmental Authorisations \(Scotland\) Regulations 2018](#)
- [Guidance On Who Can Hold an Authorisation: 'In Control' and 'Fit and Proper Person' Tests](#)

2. Environmental Authorisations (Scotland) Regulations 2018: proposed amendments

Scottish Government are consulting on proposed amendments to the Environmental Authorisations (Scotland) Regulations 2018. These amendments propose to replace the regulatory requirements of the following legislation with one regulatory process:

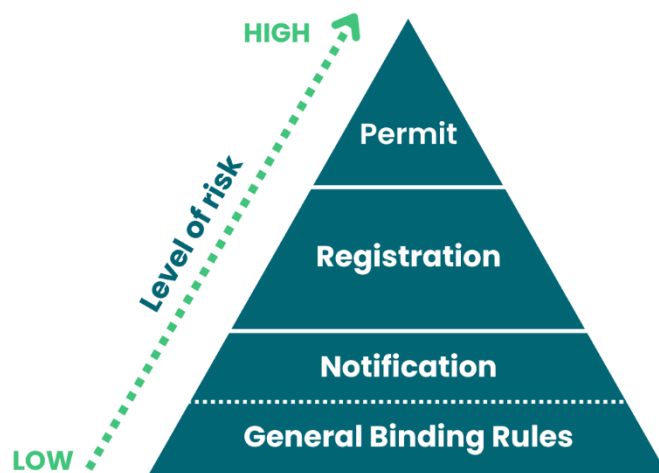
- The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR)
- Waste activities regulated by SEPA under:
 - The Environmental Protection Act 1990
 - The Waste Management Licensing (Scotland) Regulations 2011 (WML 2011)
 - Section 5 of Schedule 1 to the Pollution Prevention & Control (Scotland) Regulations 2012 (PPC 2012)
 - Control of Pollution (Amendment) Act 1989 and Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991
 - Sludge (Use in Agriculture) Regulations 1989
- Pollution Prevention and Control (Scotland) Regulations 2012 (PPC)

3. Types of authorisation

All activities in the proposed amendments to Environmental Authorisations (Scotland) Regulations 2018 will require an authorisation.

There are four types of authorisation: General Binding Rules, Notification, Registration, and Permit. These are shown in graphic image 1 below.

Graphic image 1: Types of authorisation



When proposing the type of authorisation required for each activity, SEPA have considered:

- risk to the environment and human health
- legislative requirements
- fairness to the operator
- public and third-party interests

3.1 General Binding Rules (GBRs)

General Binding Rules (GBRs) are mandatory rules that apply to activities described in Schedule 9 of the draft Regulations. Providing the activity is carried out in accordance with these rules, SEPA would consider the activity as authorised. In most cases, there would be no requirement to contact SEPA.

3.2 Notifications

Notifications are for low-risk activities where SEPA does not need to decide whether to grant or refuse an authorisation, but we must be notified the activity is being carried out and by who.

Activities in this category will be authorised as soon as SEPA have received notification. In most cases, an activity that requires a Notification to SEPA, will also have to follow a General Binding Rule.

Unless specifically stated, Notifications do not expire. The authorisation is granted until it is surrendered by the authorised person.

3.3 Registrations

Registrations are for lower risk activities that require a simple assessment prior to SEPA deciding whether to grant or refuse the authorisation.

SEPA have 28 days to determine an application. If authorised, the Registration will be issued to the authorised person with Standard Conditions. Standard Conditions are a set of rules that apply to a particular activity and must be consulted upon before they are used. Once they have been published, they cannot be appealed. We will consult on proposed Standard Conditions for Registration activities prior to the Regulations coming into effect. If the person wishing to undertake a registration activity cannot comply with the associated Standard Conditions, they must apply for a permit instead.

Unless specifically stated, Registrations do not expire. The authorisation exists until it is surrendered by the authorised person or revoked by SEPA.

3.4 Permits

Permits are for higher risk or non-standard activities. Permit applications are likely to require a rigorous assessment before SEPA decides whether to grant or refuse the authorisation.

If an activity requires a detailed Fit and Proper Person assessment, or involves a public consultation process, it will need a Permit authorisation.

A Permit may include Standard Conditions, and any other conditions that SEPA believe are required to mitigate the risk of environmental harm from the activity (these are referred to as bespoke conditions). Unless specifically stated, Permits do not expire. The authorisation exists until it is surrendered by the authorised person or revoked by SEPA.

3.5 Summary of requirements for each type of authorisation

The requirements for each type of authorisation are summarised in Table 1 below.

Table 1: Types of authorisation

Type of authorisation	SEPA determination to grant or refuse required	Potential for public consultation	Fit and Proper Person assessment	Authorised person specifically stated	Types of Conditions
General Binding Rules (GBRs)	No	No	No	No	General Binding Rules as described in Schedule 9 of draft Regulations.
Notification	No. Activity is authorised once SEPA have been formally notified.	No	No	Yes	General Binding Rules may apply to some activities.
Registration	Yes. SEPA have 28 days to grant or refuse application.	No	Yes	Yes	Standard Conditions only (SEPA will consult on these separately).
Permit	Yes. SEPA have four months to grant or refuse application.	Yes	Yes	Yes	SEPA can set Standard Conditions and bespoke conditions specific to the authorisation.

3.6 Authorisations for multiple activities

Many operations will have more than one regulated activity involved in the process. SEPA may choose to issue one authorisation for all the activities involved.

The type of authorisation will be dependent on the activities and will default to the highest level of authorisation required. For example, if the operation involves two registration activities and one permit activity, the authorisation requirement will default to a Permit, which would cover all three regulated activities.

Where multiple registration type activities are being undertaken at a site, SEPA may choose to escalate these authorisations into one Permit. For example, where we consider additional controls are required to manage the risk of harm posed by multiple activities.

4. Waste management activities

Scottish Government is consulting on waste management activities in proposed amendments to the Environmental Authorisations (Scotland) Regulations 2018 (EASR 2018).

This part of the SEPA consultation states what type of authorisation each of these activities would require. Waste management obligations are relevant to every business in Scotland, not just those operating in the waste sector.

4.1 The case for action

We recognise the changes proposed for this sector are significant, but consider these necessary to deliver a proportionate, risk-based, approach to environmental regulation. For example:

- While successful in reducing harm from waste management activities and facilitating millions of tonnes of resource recovery, decades of evolution has left waste permitting legislation unnecessarily complex both for SEPA and waste managers, relying on at least eight separate statutory instruments (and their amendments) for implementation. This has been made more complex since leaving the European Union.
- The current system does not adequately map the level of risk associated with an activity to the level of authorisation required. This means that low risk activities can be over-regulated, whereas high risk activities are under-regulated.
- Parts of the current system have not changed 1994. They have not kept pace with the new waste and resource economy where value recovery has priority.
- The current system is not well enough equipped to prevent the infiltration of serious and organised crime into the industry. When proposing the type of authorisation required for each waste management activity, SEPA have given careful consideration of its vulnerability to waste crime.

Scottish Government's proposed amendments to the Regulations, and proposals set out in this consultation, aim to create an authorisation framework that will protect the environment and communities, prevent waste crime, and support a zero-waste society and circular economy.

SEPA's proposals for waste management activities under the Integrated Authorisation Framework aim to:

- ensure a high level of environmental protection and alignment with European standards
- deliver simplified, risk-based, proportionate regulation
- reduce administrative burdens and increase regulatory clarity
- deliver a regulatory system that is fit-for-purpose, aligned to the impact and management needs of waste activities
- prevent waste crime

4.2 What activities require, and do not require, an authorisation?

Proposed amendments to EASR 2018 require the activities listed below to have an authorisation before they are carried out. It will be an offence to carry out these activities without an authorisation:

- the storage, treatment (including sorting), recovery, and disposal of waste, including the supervision of such operations and the aftercare of disposal sites
- the collection or transport of waste
- acting as a broker or dealer of waste

An authorisation is not required when the activity does not involve managing "waste". For example:

- excluded materials as listed in the Waste Framework Directive
- materials that are by-products' or comply with 'end-of-waste' criteria
- re-using products for their original purpose¹
- a domestic activity carried out in connection with a person's private dwelling (examples include storing waste in household own bins, transporting household waste to a Household Waste Recycling Centre, or composting waste in the person's garden)

Key terms such as 'waste' are defined in EASR 2018 and are consistent with the descriptions used in the Waste Framework Directive.

¹ www.sepa.org.uk/media/219772/wst-g-051-reuse-activities-and-waste-regulation.pdf

4.3 Waste Management Licence exemptions

Proposed amendments to EASR 2018 will change how waste management activities are authorised.

At present, if you manage waste, you must hold a Waste Management Licence (WML) or Pollution Prevention Control (PPC) Permit. Some waste management activities have been exempt from the full requirements of these authorisations.

SEPA have reviewed activities exempt from waste management licensing. The transition of waste management licensing 'exemptions' system to the new framework is an opportunity that needs input from across the sector. Throughout this consultation, you will be asked if you agree with our proposed types of authorisation under the new Regulations.

5. Categories of waste management activities

SEPA are responsible for regulating many waste management activities. To make this consultation easier to navigate, we have divided these into the following categories:

- low-risk waste activities
- storage as part of collection
- transporting waste
- acting as a broker or dealer of waste
- storage and treatment of waste
- composting
- anaerobic digestion
- recovery of waste by application to land for the purpose of soil improvement
- recovery of waste for construction, restoration, reclamation, or improvement of land
- incineration and co-incineration
- landfill
- other activities

5.1 Low-risk waste activities

We will not normally require a waste management authorisation for common, low-risk, activities where the administrative burden of notifying SEPA in advance is disproportionate.

However, should any of these activities cause, or become likely to cause, environmental harm, SEPA may take enforcement action. This could require the person carrying out the activity to take additional precautions, or stop entirely, as well as undertaking remedial work to repair any harm already caused.

We have produced two sets of low-risk waste positions, set out below. These are for:

- activities that are carried out at the place where the waste was produced
- activities that are carried out at another place

The following list would replace several simple exemptions currently authorised under waste management licensing and regulatory positions. A single list will make it easier for people to understand if they need an authorisation from SEPA.

5.1.1 Recovery and disposal of waste at the place of production

Activities must be carried out at the site where the waste is produced.

- (a) Removal of bitumen asphalt road surfacing, followed by crushing and screening by a cold milling machine. Excludes coal tar.
- (b) Screen soil to remove vegetation, wood, rubble etc., and reuse the soil on the same site.
- (c) Cut, chip, and shred plant matter, and use the mulch at the same site.
- (d) Treatment and disposal of Japanese Knotweed and Japanese Knotweed contaminated soil on the site, when carried out in accordance with best practice.
- (e) Separate gully wastes into solid and liquid in the collection vehicle and discharge liquids back into the gully.
- (f) Shred confidential paper in a collection vehicle.
- (g) Compost organic green waste or manure in open systems, e.g., at farms, liveryes, schools, parks, golf courses, nature reserves.
- (h) Compost less than, or equal to, 1 tonne of waste, including Animal By-Product food waste (i.e., mixed food waste) per day in an enclosed system. For example, at a hotel, hospital, college campus, or market.
- (i) Aerobic or anaerobic digestion of less than, or equal to, 1 tonne of waste including Animal By-Product food waste at any one time in an enclosed system.
- (j) Denature controlled drugs at a pharmacy or veterinary surgery.
- (k) Sterilise clinical and healthcare waste in an autoclave, with a capacity no greater than 3m³, prior to recovery or disposal elsewhere.
- (l) Treat organophosphate sheep dip with enzyme preparation prior to disposal to land (disposal of sheep dip to land requires authorisation).
- (m) Burn less than 10 tonnes per day of clean plant matter waste and untreated waste wood in the open. No other waste type can be disposed of by burning in the open.

- (n) Burn plant tissue and wood waste at a port or other place when a Plant Health Notice has been issued, to prevent the spread of plant diseases.
- (o) Spread solid waste from composting toilets from private households, when not for commercial gain.
- (p) Deposit non-hazardous dredging materials from inland waters, or sustainable urban drainage systems, on land near to where the dredging takes place.
- (q) Bury poisoned rodent carcasses on farmland, in pits 10m away from a watercourse or field drain, and 50m away from a spring, well or borehole. No more than 10 carcasses should be buried in each pit.
- (r) Store spent track ballast on land which forms part of the railway network.
- (s) Deposit excavated material from a borehole on the same site.
- (t) Store ships waste in containers at a harbour.
- (u) Spread ash from the incineration of pig or poultry carcasses, when mixed with manure, at a rate not greater than 150kg per hectare.

5.1.2 Recovery and disposal of waste at another place

- (a) Temporary storage of waste following a community clear up (e.g., litter pick, beach clean) while awaiting collection.
- (b) Store and process samples of waste at a laboratory.
- (c) Use of waste for agreed training purposes, e.g., the fire service or armed services using waste motor vehicles to practice rescue techniques.
- (d) Use of waste in schools, colleges, or universities for educational purposes.
- (e) Stockpile and burn clean plant matter waste and untreated waste wood on Bonfire Night as part of a community event.

5.2 Storage as part of collection

The activities noted below would be authorised under General Binding Rules. This would significantly reduce, by hundreds, the number of activities registered with SEPA.

- GBR 1: Temporary storage at the place of production
- GBR 2: Temporary storage at another place owned or occupied by the producer
- GBR 3: Temporary storage at a collection point

This approach supports emerging innovative methods of collecting waste, and removes the administrative burden of bringing recyclable, and other specialist materials, into the formal waste management system.

More information about General Binding Rules is included in Scottish Government's proposed amendments to EASR 2018.

5.3 Transporting waste

The activities noted below would be authorised by Registration.

- transporting your own waste
- transporting waste produced by another person

Waste carrier obligations are currently split across different sets of regulations, which is not effective for the regulator or industry.

The 2018 Independent Review into Serious and Organised Crime in the Waste Sector² highlighted “the extent to which waste is handled by an increasing number of, often opaque, intermediaries”. This Review recommended that “Registration and duty of care requirements for carriers, brokers and dealers should be reformed”. Although the report focused on England and Wales, these findings are also relevant to Scotland.

Scottish Government's Litter and Fly-tipping Strategy³ also commits to reform, so carriers linked to fly-tipping can be more easily removed from the register.

² www.gov.uk/government/publications/serious-and-organised-waste-crime-2018-review

³ national-litter-flytipping-strategy.pdf (www.gov.scot)

We propose to take this opportunity to simplify and strengthen the regulatory arrangements for transporting waste in Scotland. The sections below give more information about problems with the way these activities are currently authorised and why we recommend these proposals to change this under the new framework.

5.3.1 Waste carriers: the current system

Anyone who collects and carries other people's waste, and anyone carrying construction and demolition waste (including where it is their own waste), must register with SEPA as a waste carrier.

There are approximately 10,000 registered waste carriers, brokers and dealers registered in Scotland. It is difficult to clearly separate carriers from brokers in the database and, those who are offering waste management service to others from those only carrying their own waste.

In the current system, the waste carrier registration is a three-year authorisation accompanied by a registration and renewal charge. SEPA must register these with limited ability to refuse or revoke.

5.3.2 Professional collector and transporter of waste: the current system

The registration of professional collectors and transporters of waste (PCTW) is a free authorisation. There are no grounds for refusal and SEPA must place the person on the register regardless of their previous history.

There are around 6,500 registered professional collectors covering the following establishments or undertakings:

- government departments and local councils
- charitable and voluntary organisations
- businesses who normally and regularly transport their own waste (excluding construction and demolition waste, which always needs the carrier's registration described above)
- carriers of animal by-products
- carriers of mines and quarry wastes
- carriers of agricultural waste

5.3.3 Issues with the current system

(a) Terminology

The terminology is confusing for regulated business and the wider public. Many consider that the non-chargeable ‘professional collector and transporter of waste’ authorisation sounds more relevant to the waste management industry than a ‘waste carriers’ authorisation. We want to simplify this terminology to make it clearer what the person is authorised to do.

(b) Barriers to entry

Currently, SEPA can only refuse or revoke a carrier’s registration if both of the following criteria are met:

- the applicant/registered person, or another relevant person, has been convicted of an environmental criminal offence, and
- if, in SEPA’s opinion, it is undesirable for the applicant or currently registered carrier/broker/dealer to continue to be authorised to act as a carrier or broker of, or a dealer in, controlled waste.

This means it is not possible to refuse or revoke a carrier’s registration based on poor compliance history, civil offences (e.g., fly-tipping fixed penalties issued by a local authority), or evidenced links to wider non-environmental criminality, including serious and organised crime. A more proportionate, risk-based, system that is more responsive is needed.

(c) Targeted regulation

A significant proportion of registered waste carriers are sole traders carrying small amounts of their own construction and demolition waste (e.g., joiners, plumbers). It is not possible to easily identify those who are operating a waste management business or offering a waste management service as part of their business.

We want the register to be more transparent and useful, to target communications, compliance campaigns, and other regulatory effort.

Therefore, we propose a clear separation between those carrying their own waste and those who offer waste management services to others.

5.3.4 Benefits of proposed new system

Our intention is to simplify and strengthen the waste carrier regime by bringing it under EASR 2018 alongside all other waste activities. These activities would require Registration authorisation.

This has several benefits:

- The Regulations allow SEPA to apply the right level of proportionate scrutiny to applications, and ongoing regulation to the transport of waste.
- The Regulations provide for a wider range of regulatory tools including the Fit and Proper Person test⁴ and more options for enforcement when required. We will use these levers to raise standards and build greater confidence in the system, while reducing opportunities for waste criminals.
- SEPA will be able to make more efficient and risk-based decisions. Lower risk applications could be automated, freeing up staff time to scrutinise applications that warrant further assessment.
- Registration type authorisations allow for refusal and revocation in cases where a person, whether transporting their own waste or other people's waste, is linked to fly-tipping, illegal waste sites or other activity which would suggest they are not Fit and Proper. It also allows the introduction of Standard Conditions and, in time, a level of technical competence assessment.

5.3.5 Registrations under the new system

SEPA propose two types of registration authorisation. One for transporting your own waste, and another for transporting waste produced by another person.

(a) Registration: transporting your own waste

This Registration would be like the current professional collector and transporter of waste (PCTW) authorisation. However, key changes under the new system mean this Registration would only be used to authorise people who transport their own waste.

⁴ www.sepa.org.uk/media/372007/guidance_on_who_can_hold_an_authorisation.pdf

This is different to the current system, where those transporting their own construction and demolition waste must register as waste carriers. Under the new system, they will be able to register for this type of authorisation. This change will support greater transparency regarding those who genuinely provide waste services.

Professional collector and transporter of waste authorisations are not renewable under the current system. This means the register can quickly become out of date, limiting its usefulness. Therefore, we propose to introduce a renewal mechanism to the new Registration.

SEPA propose this new Registration will be time-limited for a period of five years. At the end of this time, the authorised person can apply to extend their authorisation. We consider this is sufficient to ensure the register is kept up to date and relevant.

(b) Registration: transporting waste produced by another person

This Registration would be used to authorise anyone offering waste management services to others. This would include all waste collectors whether it is their main business, an addition to their main business, or as part of a charitable or voluntary activity. Examples include:

- commercial refuse collection (including by local authorities)
- skip uplift
- waste soil haulage
- collecting wastes such as waste tyres or oils
- house clearances
- collecting waste textiles from householders or bring banks

This approach to registration would be more clearly targeted at those offering waste management services.

SEPA propose this new Registration will be time-limited for a period of three years. At the end of this time, the authorised person can apply to extend their authorisation for a further three-year period.

SEPA would introduce an appropriate charge for this activity and in time, introduce a level of technical competence assessment.

While we consider that voluntary organisations and charities offering waste services should be included in this Registration, we are interested in views on whether they should be subject to the application and renewal charges.

5.3.6 Standard Conditions

Waste carriers registrations are currently not subject to any conditions. Under the new types of Registration, SEPA propose to introduce a Standard Conditions that must be met. We will be consulting on these conditions separately, later in 2024. However, key elements of these conditions may include:

- requirement to keep relevant records
- compliance with the waste hierarchy
- transporting waste in a way which does not endanger human health or harm the environment
- compliance with any relevant technical competence requirements
- requirement to tell SEPA if certain details change (trading names, insolvency etc.)
- requirement to notify SEPA in event of incident/accident that may result in environmental harm

We are interested in initial views on requirements that could form Standard Conditions.

We are also interested in views on whether it should be a condition for those operating waste collection services, to display their registration authorisation number on any advert for waste services, whether in print or online, including social media.

5.3.7 Mutual recognition

SEPA currently recognises equivalent authorisations granted by the Environment Agency and Natural Resources Wales. We propose to work with partner Agencies to maintain a system of mutual recognition and require that a transporter of waste applies for their authorisation in the appropriate nation.

5.3.8 Questions

We are seeking your views on the questions noted below:

- (a) Do you agree these activities should be authorised by Registration?
- (b) Do you agree with the proposed names of these new authorisations (i.e., transporting your own waste, and transporting waste produced by another person)?
- (c) Do you agree with an authorisation period of five years when registering to transport your own waste?
- (d) Do you agree with an authorisation period of three years when registering to transport waste produced by another person?
- (e) Do you agree that SEPA should apply a level of technical competence assessment to anyone seeking authorisation to transport waste produced by another person?
- (f) Do you have views on possible Standard Conditions?
- (g) Do you have views on whether charities and voluntary organisations should be liable to pay the appropriate charges when registering to transport waste produced by another person?
- (h) Do you think anyone operating waste collection services should be required to display their registration authorisation number on any advert for waste services, whether in print or online, including social media?

5.4 Acting as a broker or dealer of waste.

Definitions:

'**Broker**' means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste.

'**Dealer**' means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste.

This activity would be authorised by Registration. It is a distinct activity separate from Registrations to transport waste described above.

Anyone who arranges the recovery or disposal of another persons' waste, is currently required to register with SEPA as a waste broker or dealer. This is regardless of whether they handle the waste themselves.

SEPA propose to maintain the current time-limited authorisation period of three years for this Registration. At the end of this time, the authorised person can apply to extend their authorisation for a further three-year period. We would introduce an appropriate charge and in time, introduce a level of technical competence assessment.

5.4.1 Mutual recognition

SEPA currently recognises equivalent authorisations granted by the Environment Agency and Natural Resources Wales. We propose to work with partner Agencies to maintain a system of mutual recognition and require that a broker or dealer applies for their authorisation in the nation of their principal place of business.

5.4.2 Questions

- (a) Do you agree these activities should be authorised by Registration?
- (b) Do you agree with an authorisation period of three years when registering as a broker or dealer of waste?
- (c) Do you agree that SEPA should apply a level of technical competence assessment to anyone seeking authorisation as a broker or dealer of waste?

5.5 Storage and treatment of waste

(Please note that no information in this section applies to composting, aerobic digestion, anaerobic digestion, incineration, or landfill activities).

'Storage and treatment of waste' is a broad description for a large group of recovery and disposal activities undertaken at storage and treatment facilities. These facilities are often considered the backbone of the waste industry; they are highly varied in the different types of waste they manage, and their scale, processes, and intent.

5.5.1 Issues with the current system

Exemptions currently available under waste management licencing do not accurately reflect the level of risk associated with an activity. This can lead to poor outcomes for the environment, communities, and wider waste industry.

Additionally, anyone who currently operates under an exemption from waste management licencing can be limited in the types of waste they can accept. This can stifle diversification and innovation, requiring SEPA to take multiple regulatory positions or adopt overly broad interpretations of terms such as 'textile', or 'rubber' to facilitate genuinely lower risk activities.

5.5.2 Benefits of proposed new system

The Registration activities proposed here aim to encourage legitimate, small-scale operators into the sector and help to achieve Scotland's ambitious recycling targets. Applicants will have to demonstrate they are a Fit and Proper Person, provide a site boundary plan and confirmation of land ownership (or consent of the landowner). This is a significant shift for those who previously operated under exemption and will provide SEPA with the means of preventing rogue operators from gaining authorisations for smaller-scale waste facilities.

We consider waste types with a high pollution, nuisance potential, or low value waste streams (e.g., tyres and residual municipal waste), should be managed through permitted sites. These waste operators would be subject to more detailed and robust scrutiny, proportionate to the activity, including a requirement to demonstrate appropriate financial provision.

5.5.3 Types of authorisation for the storage and treatment of waste

The table below lists the activities regulated under the category of storage and treatment of waste, and its proposed type of authorisation. More information about each of these activities and the proposed authorisation is provided below the table.

Table 2: Type of authorisation for the storage and treatment of waste

Item	Type of activity	Type of authorisation
(a)	Preparation of waste for reuse for its original purpose (excluding Waste Electrical and Electronic Equipment).	Notification
(b)	Storage of asbestos waste in a single sealed container.	Registration
(c)	Storage of less than, or equal to, 10 waste motor vehicles at any one time.	Registration
(d)	Storage and treatment of less than, or equal to, 5 waste motor vehicles at any one time.	Registration
(e)	Storage and treatment of less than, or equal to, 25m ³ of used cooking oil at any one time to manufacture biodiesel.	Registration
(f)	Storage and treatment of less than, or equal to, 100,000m ³ of waste in a 12-month period within the boundary of a water treatment works or a wastewater treatment works (including the sludge treatment facility).	Registration
(g)	Storage and treatment of less than, or equal to, 20,000 tonnes of inert and excavation waste at any one time to manufacture construction aggregates.	Registration

(h)	Storage and treatment of less than, or equal to, 10,000 tonnes of metal waste for recovery at any one time.	Registration
(i)	Storage and treatment of less than, or equal to, 1,000 tonnes of segregated wood waste for recovery at any one time.	Registration
(j)	Storage and treatment of less than, or equal to, 500 tonnes of segregated non-hazardous waste for recycling at any one time.	Registration
(k)	Storage and treatment of less than, or equal to, 35 tonnes of waste electronic and electrical equipment at any one time by repairing, refurbishing, or dismantling.	Registration
(l)	Treatment of waste for the purpose of remedial action with respect to land or the water environment (mobile plant).	Permit
(m)	Any other storage and treatment of waste.	Permit

5.5.4 Notification: Preparation of waste for reuse for its original purpose (excluding waste electrical and electronic equipment)

This activity is currently authorised via a Paragraph 14 exemption. We propose to regulate this activity by requiring a Notification under the new framework. This would allow SEPA to maintain a register of anyone carrying out this type of activity, without requiring a Fit and Proper Person assessment.

Preparation for reuse means “recovery operations such as checking, cleaning or repair, by which products, or components of products, which have become waste are prepared so that they can be reused without any other pre-treatment”.

This is where items which are ‘waste’ are treated so they can be used again for their original purpose. For example:

- A charity collects waste furniture, bicycles, and garden tools to repair or refurbish so they can be used again.

- A community enterprise accepts waste wood and uses it to make new timber consumer products.

In many cases, where there is a high certainty of reuse, the items may not be 'waste' and no authorisation is required.

If a waste item contains persistent organic pollutants (POPs) above threshold concentrations, it must not be prepared for reuse. The POPs must be "destroyed or irreversibly transformed".

SEPA have published more information about this in their Reuse Activities and Waste Regulation Guidance⁵.

5.5.5 Registration: Storage of asbestos waste in a single sealed container

This activity currently requires a Waste Management Licence. Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges.

This Registration would authorise the storage of asbestos waste in a single sealed container, which is fully enclosed, weatherproof, and lockable. Although it is hazardous waste, at this scale, it is suitable for a Registration.

5.5.6 Registration: Storage of less than, or equal to, 10 waste motor vehicles at any one time

This activity currently requires a Waste Management Licence. Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges. We consider this will help to make it clear who is responsible for the facility.

This Registration authorises the storage of less than, or equal to, 10 waste motor vehicles at a central place prior to uplift to an authorised treatment facility. This may be particularly useful in rural and island locations. This Registration replaces an existing regulatory position statement⁶ published by SEPA, to support rural and island communities.

⁵ <https://www.sepa.org.uk/media/219772/wst-g-051-reuse-activities-and-waste-regulation.pdf>

⁶ [https://www.sepa.org.uk/media/387035/rps temporary storage of waste motor vehicles.pdf](https://www.sepa.org.uk/media/387035/rps_temporary_storage_of_waste_motor_vehicles.pdf)

Dismantling, de-pollution and crushing is not permitted. We are considering Standard Conditions that would require several environmental protection measures, such as storage on impermeable surfacing, drainage requirements, and management of spills.

5.5.7 Registration: Storage and treatment of less than, or equal to, 5 waste motor vehicles at any one time

This activity currently requires a Waste Management Licence. Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges.

This Registration authorises a small-scale de-pollution facility where no more than five waste motor vehicles can be stored on-site at any one time.

We are considering Standard Conditions that would require several environmental protection measures, such as storage on impermeable surfacing, drainage requirements, and management of spills.

5.5.8 Registration: Storage and treatment of less than, or equal to, 25m³ of used cooking oil at any one time to manufacture biodiesel

This activity currently requires a Paragraph 5 exemption which is free. Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges. The current tonnage threshold will be maintained.

This Registration authorises the storage and treatment of waste cooking oil to produce biodiesel. Storage is limited to 25m³ of waste cooking oil and process wastes at any one time. Waste can be stored for a maximum of 12 months.

We are considering Standard Conditions that would require safe oil storage.

5.5.9 Registration: Storage and treatment of less than, or equal to, 100,000m³ of waste in a 12-month period, within the boundary of a water treatment works or a wastewater treatment works (including the sludge treatment facility)

This activity currently requires a Paragraph 10 exemption, which is subject to a charge we propose to maintain. Under the new framework, we propose to regulate this activity with a Registration.

The Registration authorises the treatment of less than, or equal to, 100,000m³ of imported waste in any 12-month period.

Wastes are limited to those arising from the sewerage network, and water and wastewater treatment activities (including septic tanks and portable/chemical toilets). For example, sludges, grit, screenings, sewer cleaning wastes, and wastes from septic tanks and portable/chemical toilets. It also includes these wastes when they are imported to the works for storage and treatment.

5.5.10 Registration: Storage and treatment of less than, or equal to, 20,000 tonnes of inert and excavation waste at any one time to manufacture construction aggregates

This activity currently requires a Paragraph 13 exemption, which is free. Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges.

This Registration authorises the storage and treatment of less than, or equal to, 20,000 tonnes at any one time of segregated inert, excavation waste (e.g., bricks, tiles, concrete, glass) and non-hazardous soils for the purpose of aggregates manufacture.

Treatment includes crushing, screening, and washing. It does not allow sorting of mixed municipal waste, mixed construction, and demolition waste, or trommel fines to recover inert materials.

5.5.11 Registration: Storage and treatment of less than, or equal to, 10,000 tonnes of metal waste for recovery at any one time.

This activity currently requires a Paragraph 45 exemption, which is subject to a charge. Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges.

This Registration authorises the storage and treatment of less than, or equal to, 10,000 tonnes of scrap metal at any one time, as well as smaller amounts of lead acid batteries and catalytic convertors.

The storage and treatment of waste motor vehicles, even where they have been de-polluted, is not permitted under this Registration. We expect waste motor vehicles to move through designated authorised treatment facilities (ATFs).

5.5.12 Registration: Storage and treatment of less than or equal to 1,000 tonnes of segregated waste wood for recovery at any one time

This activity currently requires a Paragraph 21 exemption, which is free. Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges. The current tonnage threshold will be maintained.

This Registration authorises the storage and treatment of less than, or equal to, 1,000 tonnes at any one time, of segregated waste wood for the purpose of recovery. Treatment is to make the waste wood suitable for reuse, including animal bedding, panel board, mulch, surfacing tracks (paths and bridleways), or energy recovery.

A Registration would not be required for forestry or other grounds maintenance work, where the wood or plant matter is cut, chipped, or shredded, and left on the ground or transported off-site for use elsewhere.

5.5.13 Registration: Storage and treatment of less than, or equal to, 500 tonnes of segregated non-hazardous waste for recycling at any one time

This activity is currently regulated under several exemptions, particularly Paragraphs 11 and 17, which are free. Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges.

This Registration authorises the storage and treatment of less than, or equal to, 500 tonnes at any one time, of segregated non-hazardous wastes for the purpose of recycling, including:

- sorting and baling mixed plastics
- sorting and baling mixed metal cans
- sorting and baling textiles (e.g., clothes, carpets)
- dismantling mattresses
- shredding plasterboard

The categories above are deliberately broad to allow for diversification and innovation. Please note that only separately collected waste streams, stored, and treated for recycling, are allowed.

Exclusions from this Registration include:

- storage and treatment of tyres
- sorting of mixed wastes (e.g., mixed dry recyclable waste, mixed municipal waste, general refuse, general skip waste etc) into different fractions
- facilities which are within the scope of the Code of Practice on Sampling and Reporting at Materials Recovery Facilities⁷
- storage and treatment of wastes prior to incineration or landfill

5.5.14 Registration: Storage and treatment of less than, or equal to, 35 tonnes of waste electronic and electrical equipment at any one time by repairing, refurbishing, or dismantling

This activity currently requires a Paragraph 47 exemption, which is subject to a charge we propose to maintain. Under the new framework, we propose to regulate this activity with a Registration. The storage limit will be increased from 80m³ to 35 tonnes.

This Registration authorises less than, or equal to, 35 tonnes of waste electronic and electrical equipment at any one time, for the purposes of storage, sorting, repair, and dismantling. For example:

⁷ <https://www.sepa.org.uk/media/219459/material-recovery-facility-sepa-guidance.pdf>

- a business that collects waste computers from householders and businesses who no longer want them
- a reclamation group that receives waste electrical goods, collected by the local authority, from businesses and households

Both examples noted above sort out the waste equipment into those that can be repaired and those that cannot. Once sorted, they repair some items and dismantle the rest to be reused as parts or sent elsewhere for recovery or disposal.

Treatment must be primarily for the purpose of reuse of the waste electronic and electrical equipment for its original purpose. Treatment which includes degassing waste cooling equipment, or capturing ozone depleting substances, will not be authorised under this Registration.

Storage must be on impermeable surfaces and in appropriate weatherproof or leak proof containers, as required by the Waste Electronic and Electrical Equipment Directive.

If you only repair or refurbish pre-checked electrical items with a high certainty of reuse (i.e., no sorting good from bad, from bulk loads of unchecked items), you may not be carrying out a waste activity.

If a waste item contains persistent organic pollutants (POPs) above threshold concentrations, it must not be prepared for reuse. The POPs must be “destroyed or irreversibly transformed”. SEPA have published more information about this in their Reuse Activities and Waste Regulation Guidance⁸.

5.5.15 Permit: Treatment of waste for the purpose of remedial action with respect to land or the water environment (mobile plant)

This activity is currently regulated under the broader Mobile Plant Licence for contaminated land remediation. Under the new framework, we propose to regulate this activity with a Permit. SEPA intends to introduce a new proportionate charging regime for these permits.

⁸ <https://www.sepa.org.uk/media/219772/wst-g-051-reuse-activities-and-waste-regulation.pdf>

This Permit authorises the treatment of waste as part of land and groundwater remediation projects, for example bioremediation of hydrocarbon contaminated soils.

A range of treatment approaches can be undertaken. The Permit is 'mobile' allowing the treatment to occur on any agreed remediation site in Scotland. Treatment may also take place away from the remediation site in some limited circumstances.

5.5.16 Permit: any other storage and treatment of waste

All other storage and waste treatment activities will require a Permit. Application for this type of Permit will require a Fit and Proper Person assessment and will be subject to application and subsistence charges.

A Permit remains the 'catch-all' authorisation for activities not specifically mentioned in the other tiers. These activities form the core of the waste management industry in Scotland, including:

- civic amenity sites
- construction and demolition waste sorting and processing
- material recovery facilities (MRF)
- refuse derived fuel (RDF) manufacture
- waste motor vehicle de-pollution
- decommissioning oil and gas equipment
- healthcare waste treatment
- waste oil treatment
- hazardous waste treatment
- ship dismantling
- treatment of incinerator bottom ash

All waste management activities specified as industrial activities in the proposed amendments to EASR 2018 will require a Permit.

Depending on the type and scale of treatment, some activities may be subject to the requirements of the Industrial Emission Directive including the Best Available Techniques (BAT) Conclusions.

Certain activities will be subject to specific additional requirements, such as waste electronic and electrical equipment treatment, the Materials Recovery Facility (MRF) Code of Practice and ship recycling.

5.5.17 Questions

- (a) Is Table 2: Type of authorisation for the storage and treatment of waste, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?
- (c) What maximum size of container do you consider appropriate for the storage of asbestos at Registration level?

5.6 Composting

Definition:

Composting is defined as “the managed biological decomposition of biodegradable waste organic materials, under conditions that are predominantly aerobic and that allow the development of thermophilic temperatures as a result of biologically produced heat and that result in compost”.

The table below lists the activities regulated under the category of composting, and its proposed type of authorisation. More information about each of these activities and the proposed authorisation is provided below the table.

Table 3: Type of authorisation for composting

Item	Type of activity	Type of authorisation
(a)	Storage and treatment of less than, or equal to, 500 tonnes of waste for composting at any one time.	Registration
(b)	Storage and treatment of more than 500 tonnes of waste for composting at any one time.	Permit

5.6.1 Current system

The current system takes a light-touch approach for small to medium scale activities, which are authorised by a Paragraph 12 exemption. Larger scale activities are required to obtain waste management licences and PPC permits.

A Paragraph 12 exemption is free for sites which treat less than 100 tonnes per year; there is a charge for sites that treat less than, or equal to, 400 tonnes per year. This exemption must be renewable annually.

Under the current system, SEPA holds a register of c. 100 sites authorised by Paragraph 12 exemption. These are a mix of on-site, community, and commercial operations. Composting is very common on estates, golf courses, farms, schools, and allotments. SEPA consider the number of small-scale composting activities is likely to be much higher than those currently registered with us. Many of these 'on-site' composting activities are very low risk.

Medium and large-scale commercial composting operations pose greater risk from odours, bioaerosols and leachate run-off. SEPA's regulatory activity will focus on these facilities.

Composting is a vital part of our circular economy infrastructure. SEPA wants to support both on-site management of biowastes, community scale composting initiatives, as well as larger commercial operations. We consider proposals under the new system will allow us to do this.

5.6.2 Activities not subject to authorisation

SEPA will not require a waste authorisation for certain composting activities, where waste is composted at the place it was produced. For example:

- composting organic green waste or manure in open systems, e.g., at farms, liveries, schools, parks, golf courses, nature reserves
- composting less than, or equal to, 1 tonne of waste per day, including Animal By-Product waste (i.e., mixed food waste), in an enclosed system such as at a hotel, hospital, college campus or market

5.6.3 Registration: Storage and treatment of less than, or equal to, 500 tonnes of waste for composting at any one time

This activity currently requires a Paragraph 12 exemption. Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges.

The activities in this category are mainly commercial and municipal operations, although could include some larger 'on-site' or community run systems.

The total quantity of waste stored and treated at any one time must not exceed 500 tonnes. This may be green waste or food waste including Animal By-Products. This includes waste stored before composting and compost stored on the site awaiting sale or use. Treatment includes chipping, shredding, cutting, pulverising, screening, or storing waste for the purpose of composting at the place where the composting activity is carried out.

5.6.4 Permit: Storage and treatment of over 500 tonnes of waste for composting at any one time

Under the new framework, we propose to regulate this activity with a Permit, subject to application and subsistence charges.

Facilities managing more than 500 tonnes at any one time, or more than 75 tonnes per day, will require a Permit. Where the facility has the capacity to treat more than 75 tonnes of waste per day, the provisions of the Industrial Emissions Directive will also apply, including the EU Waste Treatment Best Available Technique Conclusions.

5.6.5 Questions

- (a) Is Table 3: Type of authorisation for composting, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

5.7 Anaerobic Digestion

The table below lists the activities regulated under the category of anaerobic digestion, and its proposed type of authorisation. More information about each of these activities and the proposed authorisation is provided below the table.

Table 4: Type of authorisation for anaerobic digestion

Item	Type of activity	Type of authorisation
(a)	SEPA will not require a waste authorisation for small scale anaerobic digestion, where the waste is treated at the place it was produced.	No authorisation required
(b)	Anaerobic digestion of less than, or equal to, 100 tonnes of biowaste per day.	Registration
(c)	All other anaerobic digestion.	Permit

5.7.1 Registration: Anaerobic digestion of less than, or equal to, 100 tonnes of biowaste per day

Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges.

This Registration authorisation will allow treatment of biowaste by anaerobic digestion, to produce digestate for use as fertiliser, and burn the resulting biogas to produce energy. For example:

- anaerobic digestion at hotels or hospitals for kitchen waste, producing digestate for use on the gardens, and biogas to generate electricity
- anaerobic digestion plants for agricultural wastes (e.g., manures and slurries, dairy washings) and wastes from food manufacturing industries (e.g., distilleries, breweries, dairies)

- other treatment in relation to this activity may include screening, chipping, shredding, cutting, pulverising, or sorting waste for the purposes of anaerobic digestion

We are considering Standard Conditions that would set out the appropriate environmental protection measures, including emission limit values, and monitoring requirements for gas engines.

5.7.2 Permit: All other anaerobic digestion

Under the new framework, anaerobic digestion facilities with the capacity to treat more than 100 tonnes per day, will require a Permit. This authorisation will be subject to application and subsistence charges.

The provisions of the Industrial Emissions Directive will apply to this level of activity.

Digestate processing, such as acidification, plasma, drying and pelletising will be covered as part of the Permit.

Where the digestate does not meet the end-of-waste criteria, the Duty of Care applies to the onward management of the digestate, and the final use must be authorised on a case-by-case basis.

5.7.3 Questions

- (a) Is Table 4: Type of authorisation for anaerobic digestion, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

5.8 Recovery of waste by application to land for the purpose of soil improvement

The table below lists the activities regulated under the category 'recovery of waste by application to land, for purpose of soil improvement', and its proposed type of authorisation. More information about each of these activities and the proposed authorisation is provided below the table.

Table 5: Type of authorisation for recovery of waste by application to land for the purpose of soil improvement

Item	Type of activity	Type of authorisation
(a)	Use of waste on land for the purpose of soil improvement (single farm/site).	Registration
(b)	Use of waste on land for the purpose of soil improvement (multiple farms/sites)	Permit

5.8.1 Scottish Government Review of the Storage and Spreading of Sewage Sludge on Land in Scotland

In February 2016, Scottish Government published a Review of the Storage and Spreading of Sewage Sludge on Land in Scotland⁹ ('the Sludge Review'). The Review made several recommendations, including:

- Establish one regulatory system for organic waste to land, including the agricultural and non-agricultural application of sewage sludge.
- SEPA should be the lead agency for incidents and complaints relating specifically to sewage sludge, with a single point of contact, but continued co-operation between SEPA and local authorities. Data on these complaints should continue to be collected by SEPA.

⁹ www.gov.scot/publications/review-storage-spreading-sewage-sludge-land-scotland-sludge-review-final/documents/

- An operator's licence including a Fit and Proper Person test should be introduced for all operators who are involved in the handling, storage, transportation and spreading of waste on agricultural land.
- SEPA should have the power to have an 'exempt' activity, such as storage of sewage sludge, stopped immediately and the sludge removed, while ensuring that an operator's right of appeal is not lost.

Scottish Government's proposed amendments to EASR 2018, and SEPA proposals for types of authorisation outlined in this consultation, are intended to implement these recommendations.

5.8.2 Benefits of proposed new system

Bringing this activity under the new framework will create an integrated system to regulate organic wastes to land. Benefits of this approach include:

- Creating an operator-based Permit, with an associated Fit and Proper Person test, will deliver more effective, proportionate regulation.
- Strengthening and integrating technical requirements, where appropriate, across waste types and agricultural, forestry and ecological land uses, will improve environmental protection and make it easier for people to understand their compliance obligations.
- Empowering SEPA to take action to protect the environment across the whole sewage sludge supply chain, will make it easier for the public to raise concerns about odour and avoid issues 'falling in the cracks' between SEPA and Local Authorities.
- The new Regulatory Notice in Part 9 of proposed EASR 2018, will provide a more effective tool to intervene where sewage sludge storage and use is causing, or is likely to cause, environmental harm. This will include being able to require an activity to cease, and removal of sewage sludge where necessary.
- Bringing sewage sludge activity under the new framework enables SEPA to charge for authorisations, which can be used to fund improved regulation and monitoring work.

5.8.3 Low-risk waste position: Spread ash from the incineration of pig or poultry carcasses, when mixed with manure, at a rate not greater than 150kg per hectare

Under the new framework, this activity will be regulated with a low-risk waste position. Its use will be limited to the place of production, with a maximum spreading rate of 150 kilograms per hectare of ash.

We will not normally require a waste management authorisation for a low-risk waste position. However, should these activities cause, or become likely to cause, environmental harm, SEPA may take enforcement action. This could require the person carrying out the activity to take additional precautions, or stop entirely, as well as undertaking remedial work to repair any harm already caused.

5.8.4 Registration: Use of waste on land for the purpose of soil improvement (single farm/site)

Under the new framework, we propose to regulate this activity (limited to a single farm/site) with a Registration, subject to application and subsistence charges.

This Registration authorisation would also be extended to cover the spreading of ash from the incineration of pig or poultry carcasses. Please note this is separate and different from the activity covered by a low-risk waste position noted above.

SEPA are considering Standard Conditions that would apply to this Registration and will consult on these separately.

5.8.5 Permit: Use of waste on land for the purpose of soil improvement (multiple farms/sites)

Under the new framework, we propose to regulate this activity (applicable to multiple farms/site) with a Permit, subject to application and subsistence charges. The Permit would be valid until surrendered or revoked.

The Permit will be operator-based, rather than single site-based. This allows an authorised person to manage the supply, storage, and use of waste across multiple farms or other sites, under one single authorisation.

SEPA consider this approach will reduce administrative burden, streamline reporting, and allow us to drive better environmental standards with a fuller understanding of waste to land activity in Scotland. By authorising the person in control of the activities, rather than individual parcels of land, we can target regulatory effort more proportionately and ensure unacceptable impacts are avoided. For example, by diverting lime treated sludge to areas away from residential settlements and housing, or stopping further use on fields where contamination levels in the soil are close to statutory limits.

The authorised person will be able to contract-out parts of the activity but will be required to demonstrate they have overall control of the operation. They will be subject to a Fit and Proper Person assessment and have ultimate responsibility for ensuring compliance with regulatory obligations.

The Permit will set conditions about the type of wastes which can be used, relevant treatment standards, the environmental protection measures established in the Regulations, and reporting requirements.

The Permit will set conditions about storage at the site, use, and actual application of the waste. This condition will be consistent with the General Binding Rules for fertiliser use, as set out in EASR 2018.

The authorised person will be required to provide reporting information to SEPA, about their regulated activities, on an annual basis. This information provided in these reports will be used to target SEPA's audit and soil sampling programme.

We estimate use of operator-based permits will replace over 80% of Paragraph 7 exemption applications; together with a reduction in the number of sewage sludge to agriculture applications, moving from hundreds to less than 10 permits a year.

5.8.6 Questions

- (a) Is Table 5: Type of authorisation for recovery of waste by application to land for the purpose of soil improvement, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

5.9 Recovery of waste for construction, restoration, reclamation, or improvement of land

The table below lists the activities regulated under the category 'recovery of waste for construction, restoration, reclamation, or improvement of land', and its proposed type of authorisation. More information about each of these activities and the proposed authorisation is provided below the table.

Table 6: Type of authorisation for recovery of waste for construction, restoration, reclamation, or improvement of land

Item	Type of activity	Type of authorisation
(a)	Use of less than, or equal to, 250 tonnes of waste in construction and maintenance projects in a 12-month period.	Notification
(b)	Use of less than, or equal to, 100,000 tonnes of waste in construction, restoration, reclamation, and land improvement projects.	Registration
(c)	Use of over 100,000 tonnes of waste in construction, restoration, reclamation, and land improvement projects.	Permit
(d)	Restoration of former open cast coal sites.	Permit

5.9.1 Issues with the current system

Construction and demolition waste accounts for nearly half of all total waste arisings in Scotland, with 4 million tonnes produced in 2021. Recycling these wastes through, for example, the manufacture of recycled aggregates, is crucial to reducing the carbon impact of construction and achieving recycling targets.

The Paragraph 9 and 19 exemptions available in the current system, are an important means to recover suitable waste types in construction, restoration, and reclamation projects. SEPA will normally have over 400 Paragraph 9 and 19 exemptions registered at any one time. In tonnage terms, this represents the largest waste recovery outlet in Scotland.

However, these exemptions can be an attractive option for illegal disposal, rather than the intended purpose of recovery. While most activities proceed to completion without incident, SEPA increasingly must intervene where the use is not genuine, the material is not suitable, or greater quantities are being used than is necessary for the project.

The current system covers an extremely wide range of scale and risk. This can range from importing a single load of coarse rubble to shore-up gate access or repair private roads, to the restoration of quarries using hundreds of thousands of tonnes of soil from multiple locations over many years. Despite this wide range of activity, the legal process, tests, and rules are largely the same.

The current activity descriptions in Paragraph 9 and 19, and the use of terms such as 'relevant work', can be unnecessarily restrictive. Sometimes, SEPA must refuse applications for reasonable projects, simply because they do not 'fit' the definition in the Regulations. We want to remove barriers to genuine recovery activities.

Exemptions under the current system authorise the use of a wide range of waste types, including excavation soils from development sites. Waste soils are often not well characterised through sampling at the application stage. Where site specific risk assessments are required, the current 21-day assessment period is insufficient to make a robust determination.

A SEPA review of Paragraph 9 and 19 applications in 2021, suggested that up to a quarter of applications were at risk of waste crime. For example:

- serious and organised crime group (SOCG) associations with the site and/or applicant
- previous illegal deposits on the site or linked to the applicant
- previous issues with exemptions for the site and/or applicant
- the site or applicant are of interest in an ongoing enforcement operation

Despite this, under the current system, we are unable to refuse to register Paragraph 9 and 19 exemptions where operators have relevant convictions, have been subject to enforcement action, or have known links to serious organised crime groups. This makes it difficult for SEPA to prevent rogue operators from registering exemptions to manage soils and other construction and demolition wastes, creating further opportunity for abuse.

Paragraph 9 and 19 exemptions must be renewed annually, even when there is no change to the activity. This is an unnecessary administrative burden, both on operators and SEPA.

We consider these activities would be better regulated by replacing the current system of exemptions with a range of proportionate and targeted authorisations. We propose to authorise these activities with Notifications, Registrations, or Permits, dependant on the level of risk associated with the activity.

5.9.2 Activities not subject to authorisation

The following activities are not subject to waste management authorisations:

- use of uncontaminated soil and other naturally occurring material, used for the purposes of construction, on the site from which it was excavated¹⁰
- use of contaminated soils and materials, on the site from which it was excavated, where such use is in line with SEPA's Land Remediation and Waste Management Guidance¹¹
- use of greenfield soils in line with SEPA's Greenfield Soils Guidance¹²
- use of recycled aggregate made in line with SEPA's end-of-waste guidance
- reuse of Type 1 aggregate (e.g., recovered from temporary haul roads) where use is certain, and it can be used directly with no further treatment
- use of Incinerator Bottom Ash Aggregate (IBAA) in line with SEPA's Regulatory Position Statement¹³

5.9.3 Notification: Use of less than, or equal to, 250 tonnes of waste in construction and maintenance projects in a 12-month period

Under the new framework, we propose to regulate this activity with a Notification. The Notification will limit use to 250 tonnes per year.

¹⁰ www.legislation.gov.uk/eudur/2008/98/article/2

¹¹ www.sepa.org.uk/media/28317/land-remediation-and-waste-management-guidelines.pdf

¹² www.sepa.org.uk/media/154233/reuse_greenfield_soils_construction.pdf

¹³ www.sepa.org.uk/media/594519/ibaa-position-statement.pdf

This authorisation will cover the storage and use of specific low-risk wastes, such as coarse crushed brick, tiles, and concrete, for small scale construction and maintenance projects, such as private roads, hardstanding areas, and field gate access.

This Notification would replace around 40% of the Paragraph 19 exemptions registered in the first half of 2022, providing a significant administrative saving for farmers, estate owners and others, who want to use waste for day-to-day construction and maintenance projects.

5.9.4 Registration: Use of less than, or equal to, 100,000 tonnes of waste in construction, restoration, reclamation, and land improvement projects

Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges. Authorisations would remain in place until the project is completed and surrendered, removing the need for annual renewals, while ensuring projects achieve their stated outcomes.

This authorisation will cover activities where waste is imported for use in construction, and in the restoration, reclamation, or improvement of land. Waste types will be restricted to those suitable for these types of activities.

The proposed Registration for this activity would require:

- a Fit and Proper Person assessment, which will give SEPA discretion to refuse applications based on relevant convictions and past compliance history
- applications to be accompanied by a Waste Recovery Plan, to demonstrate the need for the project, specify the waste types, quantity of use, and how they will be placed
- clear waste acceptance procedures to be in place, including evidence that waste is appropriate both chemically and physically

We are considering Standard Conditions for this Registration and will consult on these separately.

SEPA will produce guidance on how to complete a Waste Recovery Plan. We intend to consult on this guidance as part of our planned consultation on Standard Conditions.

We will also provide broad definitions for construction, reclamation, restoration, and improvement. This will replace current terms such as 'relevant work'. This will help applicants to demonstrate the specific need for their project on a case-by-case basis.

We consider these proposals will deliver a more flexible approach to using wastes in these types of projects, greater confidence regarding environmental risk, and greater ability to prevent waste crime.

5.9.5 Permit: Use of greater than 100,000 tonnes of waste in construction, restoration, reclamation, and land improvement projects

Under the new framework, we propose to regulate this activity with a Permit, subject to application and subsistence charges, where the total amount of waste to be used is greater than 100,000 tonnes.

For example, backfilling of quarries with more than 100,000 tonnes of waste would require this type of Permit. These activities typically use large quantities of construction waste over a considerable length of time. At present, the level of scrutiny and environmental protection available is low (e.g., no Fit and Proper Person assessment and no surrender provisions).

A SEPA review of Paragraph 9 exemptions registered in the first half of 2022, flagged that 14 out of 18 quarry/void restoration projects would require a Permit.

5.9.6 Permit: Restoration of former open cast coal sites

Under the new framework, we propose to regulate this activity with a Permit, subject to application and subsistence charges.

The restoration of open cast coal sites uses organic wastes, such as sewage sludge, to create new soils and bring land back into productive use. These sites tend to be very large. SEPA consider a Permit the most proportionate type of authorisation for this activity.

Permit authorisation would be tailored to proposals for the specific site and allow the involvement of stakeholders from the outset, including the landowner, relevant authorities, neighbours, etc.

Determination of the application for Permit would take a 'whole life' approach. The site would be thoroughly assessed prior to commencement of activity, and for a period after the waste storage and activity has ceased.

5.9.7 Questions

- (a) Is Table 6: Type of authorisation for recovery of waste for construction, restoration, reclamation, or improvement of land clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?
- (c) Do you agree with the 100,000 tonnes threshold separating Registrations from Permits?
- (d) Waste types will be restricted to those suitable for these types of activities at Registration level. What types of waste do you consider appropriate for use?

5.10 Incineration and co-incineration of waste

The table below lists the activities regulated under the category 'incineration and co-incineration of waste', and its proposed type of authorisation. More information about each of these activities and the proposed authorisation is provided below the table.

Table 7: Type of authorisation for incineration and co-incineration of waste

Item	Type of activity	Type of authorisation
(a)	Incineration of biomass waste in an incineration or co-incineration plant, with a capacity of equal to, or less than, 50 kilograms per hour.	Notification
(b)	Incineration of biomass waste in an incineration or co-incineration plant, with a capacity of more than 50 kilograms per hour, and equal to, or less than, 3 tonnes per hour.	Registration
(c)	Incineration of biomass waste in an incineration or co-incineration plant, with a capacity of more than 3 tonnes per hour.	Permit

(d)	Incineration of animal carcasses in an incineration or co-incineration plant, with a capacity of more than 50 kilograms per hour, and equal to, or less than, 10 tonnes per day.	Permit
(e)	Incineration of animal carcasses in an incineration or co-incineration plant, with a capacity of more than 10 tonnes per day.	Permit
(f)	Incineration of hazardous waste in an incineration or co-incineration plant.	Permit
(g)	Incineration of non-hazardous waste, except for biomass waste or animal carcasses, in an incineration or co-incineration plant.	Permit

We propose to maintain existing authorisation arrangements for waste incineration and co-incineration. All activities will require a Permit, except for the smallest, low-risk, activities.

Depending on the scale of the activity and the waste types involved, Chapter IV of the Industrial Emissions Directive and the Waste Incineration BAT Conclusions¹⁴ may apply.

Definitions of incineration, co-incineration, and biomass are included in Scottish Government's proposed amendments to EASR 2018.

Proposed amendments to the Regulations prohibit the incineration of certain waste types. These include separately collected recyclable waste, and industrial and automotive batteries.

Except for clean wood and plant matter, waste cannot be burned in the open or in open drums or skips.

5.10.1 Activities not considered waste incineration.

SEPA considers some secondary materials to be fuels and not waste when used for energy production. Use of these fuels is not waste incineration. For example:

¹⁴ <https://eippcb.jrc.ec.europa.eu/reference/waste-incineration-0>

- fuels with 'end-of-waste' status, e.g., tallow, processed fuel oil¹⁵ and biodiesel
- clean biomass materials such as timber sawmill off-cuts, selected Grade A recycled timber and draff from whisky distilleries¹⁶
- manure from poultry and other farmed animals when authorised as combustion under Animal By-Products legislation by the Animal & Plant Health Agency
- disposal of less than 50kg/hr of animal carcasses (including pet crematoria) when authorised under Animal By-Products legislation by the Animal & Plant Health Agency

5.10.2 Notification: incineration of biomass waste in an incineration or co-incineration plant, with a capacity of equal to, or less than, 50 kilograms per hour

Under the new framework, we propose to regulate this activity with a Notification.

This includes wood products such as medium density fibreboard (MDF), orientated strand board (OSB), or chipboard. It does not include wood that has been treated with coatings or preservatives, or coatings containing heavy metals or halogenated organic compounds.

5.10.3 Registration: incineration of biomass waste in an incineration or co-incineration plant, with a capacity of more than 50 kilograms per hour, and equal to, or less than, 3 tonnes per hour

Under the new framework, we propose to regulate this activity with a Registration, subject to application and subsistence charges.

This includes wood products such as medium density fibreboard (MDF), orientated strand board (OSB), or chipboard. It does not include wood that has been treated with coatings or preservatives, or coatings containing heavy metals or halogenated organic compounds.

¹⁵ www.sepa.org.uk/media/154207/processed_fuel_oil.pdf

¹⁶ www.sepa.org.uk/media/155820/ppc_technical_guidance_tg22_biomass_combustion.pdf

5.10.4 Permit: all other incineration of waste biomass and animal carcasses

Under the new framework, we propose to regulate this activity with a Permit, subject to application and subsistence charges.

This Permit authorisation will cover the incineration or co-incineration of more than 50kg/hr of animal carcasses. Where the weight is greater than 10 tonnes per day, it will be subject to the Waste Incineration Best Available Technique Conclusions¹⁷.

The incineration or co-incineration of waste biomass greater than 3 tonnes/hour will also require a Permit and be subject to the Waste Incineration Best Available Technique Conclusions.

5.10.5 Permit: other waste incineration

Under the new framework, we propose to regulate all other waste incineration and co-incineration (i.e., mixed municipal waste, tyres, mixed waste wood, clinical waste, waste oil) with a Permit, subject to application and subsistence charges.

These facilities are subject to Chapter IV of the Industrial Emissions Directive and the Waste Incineration Best Available Technique Conclusions.

Where non-hazardous waste plants have a capacity exceeding 3 tonnes/hour, and hazardous waste plants have a capacity exceeding 10 tonnes per day, the Waste Incineration Best Available Technique Conclusions will also apply.

5.10.6 Questions

- (a) Is Table 7: Type of authorisation for incineration and co-incineration clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

¹⁷ [Waste Incineration | Eippcb \(europa.eu\)](https://eippcb.europa.eu)

5.11 Landfill

Under the new framework, we propose to maintain the existing authorisation arrangements for the landfill of waste. The disposal of waste by landfill requires a Permit to operate regardless of waste type or scale.

- inert landfill
- non-hazardous landfill
- hazardous landfill

Definitions of 'landfill' and associated terms are included in Scottish Government's proposed amendments to EASR 2018.

Pet cemeteries are authorised by the Animal & Plant Health Agency and are not subject to these regulations.

5.11.1 Questions

(a) Do you agree with the type of authorisation proposed for each activity?

5.12 Emerging activities

Under the new framework, waste management activities will automatically require a Permit authorisation, except for:

- any waste management activities specifically excluded from the scope of EASR 2018
- a waste management activity covered by a Low-Risk Waste Position
- a waste management activity authorised under General Binding Rules, or by application to SEPA for a Notification or Registration authorisation

SEPA are interested in gathering views on new or emerging activities, that you consider appropriate for authorisation at Notification or Registration level.

We are aware of newer practices, such as the production of biochar, which may be better suited to a Registration authorisation when carried out on a smaller scale.

We would also like to hear views from operators offering small scale or local waste services, such as collection, storage, and sorting of waste. We know that some of these operators may require a Permit under the new framework and want to understand more about this type of activity, so we can make sure the new framework is proportionate and works for everyone.

5.12.1 Questions

- (a) Do you carry out, or are you aware of, any new or emerging waste management activities that SEPA should take into consideration under the new framework?
- (b) Do you carry out, or are you aware of, any other activity that may be appropriately authorised at Notification or Registration level, which would require a Permit under current proposals?

Annex 1: Waste management activities

Summary of proposed authorisations to replace waste management licensing (WML) exemptions

Type of activity	Current type of WML exemption	Proposal
Paragraph 1 - The use of waste glass in glass manufacture and production.	Simple	Delete (this will be authorised under other industrial activities)
Paragraph 2 - Operation of a scrap metal furnace.	Simple	Delete (this will be authorised under other industrial activities)
Paragraph 3 - Burning of waste as a fuel.	Simple	Delete (this will be authorised under other industrial activities)
Paragraph 4 - Cleaning, washing, spraying, or coating of waste packaging and containers.	Simple	Delete – no longer required
Paragraph 5 - Burning biomass or animal carcasses in a Part B incinerator and recovery of fuel from waste vegetable oil.	Simple	Mix of Notification and Registration.
Paragraph 6 - Burning waste oil as a fuel in specified engines.	Simple	Delete (burning of waste must be carried out at an authorised incineration plant)

Type of activity	Current type of WML exemption	Proposal
Paragraph 7 - The treatment of land for agricultural benefit or ecological improvement.	Complex	Mix of Low-Risk Waste Position, Registration and Permit
Paragraph 8(1) - The storage and spreading of sludge.	Simple	Move into Sludge Registration and Permit
Paragraph 8(2) - The storage and spreading of sludge.	Complex	Registration and Permit
Paragraph 9 - The reclamation or improvement of land.	Complex	Mix of Notification, Registration and Permit.
Paragraph 10 - Reception and treatment of waste at a water treatment works.	Complex	Registration
Paragraph 11 - Baling, sorting, shredding etc. of specified wastes.	Simple	Mix of General Binding Rules, Registration and Permit
Paragraph 12 – Composting.	Complex	Mix of Low-Risk Waste Position, Notification and Registration
Paragraph 13 - Manufacture of specified goods from specified wastes.	Simple	Mix of Low-Risk Waste Position and Registration

Type of activity	Current type of WML exemption	Proposal
Paragraph 14 - The manufacture of finished goods and repair/refurbishment of waste goods.	Simple	Mix of Notification and Registration
Paragraph 15 - Beneficial use of waste without further treatment.	Simple	No direct replacement. Mix of Low-Risk Waste Positions and other Registrations
Paragraph 16 - The screening of specified wastes.	Simple	Low-Risk Waste Position
Paragraph 17 - Storage of specified wastes in a secure place.	Simple	Mix of General Binding Rules and Registration
Paragraph 18 - Secure storage of specified wastes on any premises.	Simple	Mix of General Binding Rules, Registration and Permit
Paragraph 19 - Waste for construction and other 'relevant work'.	Complex	Mix of Notification, Registration and Permit
Paragraph 20 - Cleaning waste textiles for recovery.	Simple	Mix of Notification, Registration and Permit

Type of activity	Current type of WML exemption	Proposal
Paragraph 21 - Chipping etc waste plant matter.	Simple	Mix of Low-Risk Waste Position and Registration
Paragraph 22 - Recovery of silver.	Simple	Low-Risk Waste Position and Registration
Paragraph 23 - The recovery of animal by product wastes.	Simple	Delete (animal by-products are regulated by The Animal and Plant Health Agency)
Paragraph 24 - Size reduction of bricks, tiles, or concrete.	Simple	Mix of Low-Risk Waste Position, Registration and Permit
Paragraph 25 - The deposit of dredging wastes.	Simple	Low-Risk Waste Position
Paragraph 26 - The recovery/disposal of waste at the place of production as part of the production process.	Simple	Replaced by the definition in EASR 2018, of 'by-product'
Paragraph 27 - Baling, compacting, crushing, or shredding waste at the place it was produced.	Simple	General Binding Rules

Type of activity	Current type of WML exemption	Proposal
Paragraph 28 - The use of autoclaves to sterilise waste.	Simple	Low-Risk Waste Position
Paragraph 29 - The disposal of waste at the place of production by burning in an incinerator.	Simple	Delete (burning of waste must be carried at an authorised incineration plant)
Paragraph 30 - Burning plant tissue waste on land in the open.	Simple	Low-Risk Waste Position
Paragraph 31 - Discharge of sanitary waste from a passenger train.	Simple	Delete (sanitary waste must be disposed of at an authorised facility)
Paragraph 32 - Burial of sanitary waste from a removable receptacle.	Simple	Low-Risk Waste Position
Paragraph 33 - Keeping or deposit of peat excavation waste.	Simple	Low-Risk Waste Position
Paragraph 34 - Keeping or deposit of spent railway ballast.	Simple	Low-Risk Waste Position
Paragraph 35 - The deposit of excavated material from a borehole or other excavation.	Simple	Low-Risk Waste Position
Paragraph 36 - Temporary storage of specified waste at a harbour.	Simple	Low-Risk Waste Position

Type of activity	Current type of WML exemption	Proposal
Paragraph 37 - Burial of a dead domestic pet.	Simple	Delete (pets can be buried within the curtilage of a person's own home)
Paragraph 38 - The deposit or storage of samples of waste for testing or analysis.	Simple	Low-Risk Waste Position
Paragraph 39 - Secure storage of medical, nursing, or veterinary wastes.	Simple	Mix of General Binding Rules, Registration and Permit
Paragraph 40 - Secure storage of non-liquid waste other than at the place of production.	Simple	General Binding Rules
Paragraph 41 - Temporary storage of waste at the place of production.	Simple	General Binding Rules
Paragraph 42 - The disposal of waste pesticide solutions or washings in a lined bio-bed.	Complex	Low-Risk Waste Position
Paragraph 43 - Crushing of waste gas discharge lamps.	Simple	Low-Risk Waste Position
Paragraph 44 - Heating metal in an authorised furnace.	Simple	Delete (this will be authorised under other industrial activities)

Type of activity	Current type of WML exemption	Proposal
Paragraph 45 - The recovery of scrap metal or the dismantling of motor vehicles.	Complex	Mix of Registration and Permit
Paragraph 46 - The burning of plant tissue or wood at a dock.	Complex	Low-Risk Waste Position
Paragraph 47 - Repair or refurbishment of waste electrical and electronic equipment.	Complex	Registration
Paragraph 48 - The storage of waste electrical and electronic equipment pending recovery elsewhere.	Simple	Registration
Paragraph 49 - the treatment of waste organophosphate sheep dip with an enzyme preparation.	Complex	Low-Risk Waste Position
Paragraph 50 - the mixing of pig or poultry ash with manure for the treatment of land.	Complex	Mix of Low-Risk Waste Position and Registration
Paragraph 51 - Anaerobic digestion of agricultural or distillery waste.	Complex	Registration

6. Water activities

Water activities are currently regulated under the Controlled Activities (Scotland) Regulations (CAR). Under the current system, water activities are authorised by three different types of authorisation: Licence, Registration, and General Binding Rules. You can find out more about these in SEPA's published guidance, CAR Practical Guide¹⁸.

Scottish Government is consulting on proposed amendments to the Environmental Authorisations (Scotland) Regulations 2018 (EASR 2018), which would bring water activities under this new framework.

This part of the SEPA consultation states what type of authorisation each of these activities would require under the new framework. **SEPA are not proposing significant changes to the type of authorisation required for these activities.**

To make the SEPA consultation easier to navigate, we have used simplified descriptions of General Binding Rules in our tables. For a full legal description of these, please refer to the Regulations.

6.1 Categories of water activities

SEPA are responsible for regulating many water activities. To make this consultation easier to navigate, we have divided these into the following categories:

- pollution control
- abstractions
- impoundments
- engineering
- other activities that affect the water environment

¹⁸ <https://www.sepa.org.uk/media/dw5de0kh/car-a-practical-guide.pdf>

7. Water activities – pollution control

7.1 What activities require, and do not require, an authorisation?

The activities listed below will require an authorisation before they are carried out. It will be an offence to carry out these activities without an authorisation:

- An activity liable to cause the direct, or indirect, introduction, of substances or heat into the water environment, because of human activity. This includes the discharge of pollutants into the water environment, and the disposal of waste sheep dip or waste pesticides onto land.
- Discharge directly, or indirectly, into groundwater, any hazardous substance or substance likely to cause harm to the water environment.

An authorisation is not required for the pollution control activities listed below:

- Discharge of a reagent, chemical, or particle tracer, used in connection with scientific experiment or survey in transitional water or coastal water. A marine licence may be required by Scottish Government's Marine Directorate for these discharges.
- Occasional discharge from public water treatment works, and the water supply system, provided this is undertaken in accordance with the Water Supply Hygiene procedures (Scottish Water) or the Water (Scotland) Act 1980.
- Discharge of uncontaminated groundwater abstracted directly through boreholes/well pointing, without contact with any other drainage run-off, to dewater opencast coal sites, quarries, or construction sites.
- Discharge of uncontaminated groundwater that arises during the construction or extension of a borehole or well.
- Discharge from storage tanks or pipelines that are filled with clean water, to test water tightness e.g., fish farm tanks, chemical or oil storage tanks.
- Discharge of uncontaminated rainwater that has collected in an oil storage bund, i.e., no visible sheen.

- Initial pumping out of water from a dry dock and any uncontaminated water that is released simply by the opening of gates.
- Discharge of naturally occurring fish bacterial pathogen-specific bacteriophages from finfish farm facilities.
- Discharge from a vessel in coastal and transitional waters (except for discharge of medicine residues from wellboats for marine finfish farms, these discharges are controlled by Merchant Shipping Legislation).
- Discharge of filter backwash waters with a volume of less than 1m³/day, which comes from the maintenance of abstraction equipment to a soakaway. The discharge must not be direct to groundwater and must not contain any added substances or heat that are not derived from the water that is being treated.
- Disposal of dechlorinated bleach solution used to clean beehives onto vegetated land.
- Washing down of slipways, jetties, and other human-made infrastructure, with water to remove marine life and/or algae. Chemicals must not be used, and the work must not remove paint or other coatings.

7.2. Sewage discharges

The table below lists the activities regulated under the category of pollution control, sewage discharges, and its proposed type of authorisation.

Table 8: Type of authorisation for pollution control, sewage discharges

Item	Type of Activity	Type of authorisation
(a)	<p>A new discharge of sewage effluent from:</p> <ul style="list-style-type: none"> • less than, or equal to, 10 domestic properties • non-domestic properties with a population equivalent* of less than, or equal to, 50 • a combination of both domestic and non-domestic properties with a total population equivalent of less than, or equal to, 50 <p>where the discharge is not within a phosphate sensitive catchment or directly to a freshwater loch.</p>	Registration
(b)	<p>An existing discharge of sewage effluent from:</p> <ul style="list-style-type: none"> • less than or equal to 10 domestic properties • non-domestic properties with a population equivalent* of less than, or equal to, 50 • a combination of both domestic and non-domestic properties with a total population equivalent of less than, or equal to, 50 	Registration
(c)	<p>A new discharge of sewage effluent from:</p> <ul style="list-style-type: none"> • less than, or equal to, 10 domestic properties • non-domestic properties with a population equivalent* of less than, or equal to, 50 	Permit

	<ul style="list-style-type: none"> a combination of both domestic and non-domestic properties with a total population equivalent of less than, or equal to, 50 <p>where the discharge is within a phosphate sensitive catchment or directly to a freshwater loch.</p>	
(d)	<p>The discharge of sewage effluent from:</p> <ul style="list-style-type: none"> more than 10 domestic properties non-domestic properties with a population equivalent* of more than 50 a combination of both domestic and non-domestic properties with a total population equivalent of more than 50 	Permit
(e)	Discharge from a combined sewer overflow (CSO).	Permit
(f)	Discharge from a foul sewer emergency overflow (EO).	Permit
(g)	The collection, storage, conveyance, and discharge of sewage from a sewer network.	Permit
(h)	Sewage discharge activities not otherwise described or sewage activities where Standard Conditions cannot be complied with.	Permit

* A population equivalent of one has a biochemical oxygen demand (BOD) of 60 grams of oxygen per day, which is equivalent to that from one person in a domestic property. BOD loads from non-domestic properties can be found in the latest version of Flows and Loads (British Water Code of Practice)¹⁹.

¹⁹ [Publications \(britishwater.co.uk\)](http://publications.britishwater.co.uk)

7.2.1 Rationale for proposals

Registration of sewage discharges from properties with a total population equivalent of less than, or equal to, 50

This activity is currently authorised as a Licence. We propose to change the type of authorisation to a Registration under the new framework for:

- new discharges of sewage effluent from 4-10 domestic properties or 15-50 population equivalent from non-domestic properties
- existing discharges of sewage effluent from 10 domestic properties (currently a CAR Registration applies only less than or equal to 9 domestic properties)

This activity is subject to an application charge.

The proposed change means that the new Registration and Permit threshold will be the same for both new and existing sewage discharges. We consider these changes do not pose an increased risk to the water environment.

SEPA will continue to undertake a risk assessment of the activities. We will be able to make a quicker determination of applications ensure a consistent, risk-based, proportionate approach that will be simpler and clearer to applicants.

We are proposing that new discharges, of all sizes, directly to freshwater lochs and within phosphate sensitive catchments are authorised by Permit under the new framework. This is because these discharges pose a higher risk to the water environment and may need bespoke conditions.

7.2.2 Questions

- (a) Is Table 8: Type of authorisation for pollution control, sewage discharges, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

7.3 Finfish farm and hatchery discharges

We propose to regulate all finfish farm and hatcheries with a Permit authorisation under the new framework, subject to application and subsistence charges.

Under the current system, the activities noted below require a CAR Registration authorisation.

- all non-commercial fish hatcheries for native fish
- effluents from commercial tank fish farms/hatcheries with less than, or equal to, 0.5 tonnes of annual fish production

7.3.1 Rationale for proposals

We have proposed a Permit authorisation because many of these activities will require bespoke conditions, which can only be applied at Permit level.

Applications for authorisation in the category of 'non-commercial fish farms for native fish' will not be subject to charges.

7.3.2 Questions

- (a) Do you agree with the type of authorisation proposed for this activity?

7.4 Discharges from hot tubs and swimming pools

The table below lists the activities regulated under the category of discharges from hot tubs and swimming pools, and its proposed type of authorisation.

Table 9: Type of authorisation for discharges from hot tubs and swimming pools

Item	Type of activity	Type of authorisation
(a)	Discharge of hot tub effluent from a site with only one hot tub, to groundwater.	General Binding Rule 35
(b)	Discharge of less than, or equal to, 10 cubic metres (m ³) per day of: <ul style="list-style-type: none"> • swimming pool effluent from a site to the water environment • hot tub effluent from a site with more than one hot tub, to groundwater • hot tub effluent from a site to surface water 	Registration
(c)	Discharge of more than 10m ³ per day of swimming pool or hot tub effluent.	Permit

7.4.1 Rationale for proposals

Scottish Government are proposing to introduce a new General Binding Rule activity 35, for the discharge of hot tub effluent to groundwater, from a site with only one hot tub. We propose to maintain the same level of authorisation as currently applies, for all other activities.

7.4.2 Questions

- (a) Is Table 9: Type of authorisation for discharges from hot tubs and swimming pools, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

7.5 Discharges of water run-off from surface water drainage systems

The table below lists the activities regulated under the category of discharges of water run-off from surface water drainage systems, and its proposed type of authorisation.

We propose to maintain the same level of authorisation as currently applies, for all activities in this category.

Permit level activities will be subject to application and subsistence charges.

Table 10: Type of authorisation for discharges of water run-off from surface water drainage systems

Item	Type of activity	Type of authorisation
(a)	<p>The discharge of water run-off from a surface water drainage system to the water environment from buildings, roads (other than waterbound roads), yards, or any other built development, constructed before 1 April 2007, except for run-off from any motorway or trunk road where:</p> <ul style="list-style-type: none"> • any one outfall serves a length of road greater than 1km, and • the footprint of the road or its associated infrastructure is enlarged, or otherwise altered on or after 1 April 2007 	General Binding Rule 10A
(b)	<p>The discharge of water run-off from a surface water drainage system to the water environment from buildings, roads (other than waterbound roads), yards, or any other built development, constructed on or after 1 April 2007, except for run-off from:</p> <ul style="list-style-type: none"> • land of more than 30 hectares which is used for residential premises • industrial estates • land used as a motorised vehicle parking area with more than 1,000 parking spaces 	General Binding Rule 10B

	<ul style="list-style-type: none"> motorways and trunk roads where any one outfall serves a length of road greater than 1km 	
(c)	<p>The discharge of water run-off from a surface water drainage system from:</p> <ul style="list-style-type: none"> buildings roads other than waterbound roads yards any other built development where the activity is not authorised by GBR10A or GBR10B 	Permit
(d)	The discharge of water run-off via a surface water drainage system to the water environment because of rural land activities.	General Binding Rule 21

7.5.1 Questions

- (a) Is Table 10: Type of authorisation for discharges of water run-off from surface water drainage systems, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

7.6 Discharges of water run-off from construction sites, borrow pits, quarries, and waterbound roads and tracks

The table below lists the activities regulated under the category of discharges of water run-off from construction sites, borrow pits, quarries, and waterbound roads and tracks, and its proposed type of authorisation.

We propose to maintain the same level of authorisation as currently applies, for all activities in this category.

Permit level activities will be subject to application and subsistence charges.

Table 11: Type of authorisation for discharges of water run-off from construction sites, borrow pits, quarries, and waterbound roads and tracks

Item	Type of activity	Type of authorisation
(a)	Discharge of water run-off from a quarry or borrow pit constructed on or after 1 January 2022.	General Binding Rule 10C
(b)	Discharge of water run-off from a construction site to the water environment where the site, including any constructed access tracks, does not: <ul style="list-style-type: none"> • exceed 4 hectares • contain a road or track length greater than 5km • include any area of more than 1 hectare or any length of more than 500 metres on ground with a slope in excess of 25° 	General Binding Rule 10D
(c)	The discharge of water run-off from waterbound roads and tracks to the water environment, including during the construction and maintenance of such roads and tracks.	General Binding Rule 22
(d)	The discharge of water run-off from a construction site to the water environment, including any constructed access tracks, where the activity is not authorised by General Binding Rule 10D.	Permit
(e)	Discharge of water run-off from a quarry or borrow pit constructed before 1 January 2022.	Permit

7.6.1 Questions

- (a) Is Table 11: Type of authorisation for discharges of water run-off from construction sites, borrow pits, quarries, and waterbound roads and tracks, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

7.7 Discharge into a surface water drainage system

This activity will be authorised under General Binding Rule 11.

There is no change to the level of authorisation under the new framework.

7.8 The storage, making or treatment of fertiliser, silage, slurry and digestate

The table below lists the activities regulated under the category of storage, making or treatment of fertiliser, silage, slurry and digestate, and its type of authorisation.

There is no change to the level of authorisation under the new framework.

Table 12: Type of authorisation for the storage, making or treatment of fertiliser, silage, slurry and digestate

Item	Type of activity	Type of authorisation
(a)	<p>The storage of fertiliser unless:</p> <ul style="list-style-type: none"> the storage is regulated as a waste activity under these Regulations it is an activity specified by water General Binding Rule 31, 32 or 34 <p>The application of any fertiliser.</p>	General Binding Rule 18
(b)	The making and storage of silage in bales or bulk bags.	General Binding Rule 29
(c)	The treatment of silage effluent that consists mainly of rainwater, by draining it from a silo through a constructed farm wetland.	General Binding Rule 30
(d)	The making and storage of silage other than in bales or bulk bags.	General Binding Rule 31

(e)	The storage of slurry.	General Binding Rule 32
(f)	The treatment of slurry that consists mainly of rainwater and washings by draining through a constructed farm wetland.	General Binding Rule 33
(g)	Storage of liquid digestate unless regulated by an authorisation under the regulations.	General Binding Rule 34

7.9 The cultivation of land and pesticide storage and application

The table below lists the activities regulated under the category of cultivation of land and pesticide storage and application, and its type of authorisation.

There is no change to the level of authorisation under the new framework.

Registration and Permit activities are subject to an application charge.

Table 13: Type of authorisation for the cultivation of land and pesticide storage and application

Item	Type of activity	Type of authorisation
(a)	Cultivation of land.	General Binding Rule 20
(b)	Storage and application of pesticides that are plant protection products.	General Binding Rule 23
(c)	Application of pesticides which are Plant Protection Products (PPPs) and adjuvants, to plants where the application is within 1 metre of: <ul style="list-style-type: none"> • any watercourse or loch (as measured from the top of the bank) • any wetland • transitional or coastal water (as measured from the shoreline) 	Registration

	<ul style="list-style-type: none"> and where the plants being treated are not invasive species outside their native range 	
(d)	Application of pesticides which are Plant Protection Products (PPPs) and adjuvants, to water.	Permit

7.9.1 Questions

- (a) Is Table 13: Type of authorisation for the cultivation of land and pesticide storage and application, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

7.10 Sheep dipping and the keeping of livestock

The table below lists the activities regulated under the category of sheep dipping and the keeping of livestock, and its type of authorisation.

There is no change to the level of authorisation under the new framework.

Permit activities are subject to an application and subsistence fees.

Table 14: Type of authorisation for sheep dipping and the keeping of livestock

Item	Type of activity	Type of authorisation
(a)	Keeping of livestock.	General Binding Rule 19
(b)	Operating sheep dipping and sheep handling facilities when certain criteria apply.	General Binding Rule 24
(c)	The disposal, by application to vegetated land, of waste sheep dip, waste sheep cosmetic products and waste Plant Protection Products (PPPs).	Permit

7.10.1 Questions

- (a) Is Table 14: Type of authorisation for sheep dipping and the keeping of livestock, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

7.11 The disposal of disinfectants and detergents during the outbreak of a notifiable disease

The table below lists the activities regulated under the category of disposal of disinfectants and detergents, and its type of authorisation.

There is no change to the level of authorisation under the new framework.

This activity is subject to an application charge.

Table 15: Type of authorisation for disposal of disinfectants and detergents during the outbreak of a notifiable disease

Item	Type of activity	Type of authorisation
(a)	<p>During an outbreak of a notifiable disease, the disposal to vegetated land, of more than 10 cubic metres (m³) per day of detergent or disinfectant washings, used to prevent the transmission of that disease, where the land:</p> <ul style="list-style-type: none"> • does not consist of soil which has the texture of sand or loamy sand • has at least 40 centimetres (cm) depth of soil immediately under the disposal area 	Registration

7.11.1 Questions

- (a) Is Table 15: Type of authorisation for disposal of disinfectants and detergents during the outbreak of a notifiable disease, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for this activity?

7.12 Oil storage

The table below lists the activities regulated under the category of oil storage, and its type of authorisation.

There is no change to the level of authorisation under the new framework.

Permit activity is subject to an application charge.

Table 16: Type of authorisation for oil storage

Item	Type of activity	Type of authorisation
(a)	The storage of oil, which is not waste oil, in a portable container with a capacity of less than 200 litres.	General Binding Rule 26
(b)	Storage of oil on premises used as a private dwelling (except where the premises is a vehicle or vessel), where the oil is: <ul style="list-style-type: none"> • stored in a container with a capacity of less than, or equal to, 2,500 litres • used solely to serve a fixed combustion appliance installation providing space heating or cooking facilities 	General Binding Rule 27
(c)	All other storage of oil, other than waste oil, on premises other than: <ul style="list-style-type: none"> • where the premises is a vehicle or vessel • where the storage is an activity authorised by General Binding Rules 26 or 27, or otherwise authorised under these regulations • in a container that is wholly underground (unless situated wholly within a building underground) 	General Binding Rule 28
(d)	The storage of oil for onward distribution, where the activity is not authorised by General Binding Rules 26 and 28.	Permit

7.12.1 Questions

- (a) Is Table 16: Type of authorisation for oil storage, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each of these activities?

7.13 Discharge of other effluents

The table below lists the activities regulated under the category of discharge of effluents, and its type of authorisation.

Permit activities are subject to application and subsistence fees.

Table 17: Type of authorisation for discharge of other effluents

Item	Type of activity	Type of authorisation
(a)	The direct discharge of pollutants into groundwater, because of construction or maintenance works, in or on the ground which comes into contact with groundwater.	General Binding Rule 16
(b)	The discharge of effluents or disposal activities, not otherwise described, to include: <ul style="list-style-type: none"> • non-sewage organic effluents, such as those from distilleries and other food and drink activities • inorganic and other trade effluents, such as those from mines and quarries • water treatment works • cooling water discharges 	Permit

7.13.1 Rationale for proposals

(a) General Binding Rule 16: direct discharge of pollutants into groundwater

Scottish Government have proposed a change to General Binding Rule Activity 16, for the use of blaes (hardened clay or shale) in grout. Accordingly, we propose to reduce the level of current authorisation from a Registration to the General Binding Rule.

(b) Discharge of effluents not otherwise described

Under the current system, the activities noted below are regulated with a Registration authorisation.

- non-sewage organic effluents less than, or equal to, 15 population equivalent
- inorganic effluents and other trade effluents, including mines and quarries, less than, or equal to, 10m³/d and less than, or equal to, 15 population equivalent
- cooling water discharges to transitional and coastal waters, and discharges from geothermal heat pumps to the water environment that are not authorised by General Binding Rule 17 and have no chemical addition

We propose to regulate all activities in the category of discharge of effluents not otherwise described, with a Permit authorisation under the new framework.

We have proposed a Permit authorisation because effluents can vary considerably in composition and concentration. Bespoke conditions would be required to regulate this activity proportionately and these can only be applied at Permit level. A Permit level authorisation would allow for site and activity-specific conditions to be put in place.

7.13.2 Questions

- (a) Is Table 17: Type of authorisation for discharge of other effluents, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each of these activities?

8. Water activities – abstractions

8.1 What activities require, and do not require, an authorisation?

The activities below will require an authorisation before they are carried out. It will be an offence to carry out these activities without an authorisation:

- abstract water from the water environment (includes abstractions from canals and lades)

You will not require an authorisation for the following abstraction activities:

- Abstraction of water from the public water supply infrastructure.
- Removal or diversion of water because of land drainage works. During the construction phase, the abstraction of groundwater from the dewatering (passive or otherwise) of road, rail or other cuttings is regulated via GBR, Registration or Permit as any other abstraction would be. Once an operational final passive drainage system is in place for the cutting, such as a pipe network to collect run off and seepage, the activity will be treated as land drainage works and as such no further authorisation will be required.
- Temporary abstraction of water to enable working within a river, including the over pumping of water.
- Abstractions from coastal waters by vessels where the water is returned to the water environment from the vessel.
- Abstractions of water stored in off-line impoundments and artificial storage ponds that receive their inflow from an already authorised abstraction. Note that an authorisation is required for an abstraction from a dug storage pond collecting water from field drains and/or groundwater.
- Abstractions from artificial treatment systems, including Sustainable Urban Drainage Systems (SUDS) and quarry settlement lagoons.
- Abstraction for the purposes of firefighting.

- Abstraction of rainwater from construction site excavations or quarries of volcanic or metamorphic rocks (e.g., basalt, granite, and schist). Note that the abstraction of groundwater from excavations is a regulated activity to which General Binding Rule 15 applies, as is the abstraction of groundwater from quarries.

8.2 Abstractions activities

The table below lists the activities regulated under the category of abstraction, and its type of authorisation.

Table 18: Type of authorisation for abstraction

Item	Type of activity	Type of authorisation
(a)	Abstraction from the water environment of less than 10m ³ /day.	General Binding Rule 2
(b)	<p>The abstraction from a borehole of less than 150m³/year of water if the abstraction is to:</p> <ul style="list-style-type: none"> • test the yield of the borehole/well • test the hydraulic properties of the aquifer • to sample the water quality <p>and any subsequent discharge of the abstracted water.</p>	General Binding Rule 4
(c)	<p>Dewatering an excavation.</p> <p>The temporary abstraction of groundwater at:</p> <ul style="list-style-type: none"> • a construction site for roads, railways, buildings, pipelines, communication links or other built development • a site at which the maintenance of such development is being undertaken <p>by means of:</p>	General Binding Rule 15

	<ul style="list-style-type: none"> • pumping the groundwater directly from any excavation or excavations on the site • pumping the groundwater from any wells or boreholes on the site to help dewater any other excavation or excavations on the site • and, if desired, the subsequent discharge of the abstracted groundwater if desired to the water environment 	
(d)	The abstraction and subsequent return of groundwater for the purpose of extracting geothermal energy from the abstracted water, or for the purpose of transferring heat to geological formations as part of a cooling system.	General Binding Rule 17
(e)	The abstraction of water from inland waters, where the total daily volume is more than, or equal to, 10 m ³ but is less than, or equal to, 50 m ³ .	Registration
(f)	<p>The abstraction of groundwater from a borehole and any subsequent discharge of the abstracted water, where the total volume of water abstracted is less than, or equal to:</p> <ul style="list-style-type: none"> • 500m³ per day • more than 150m³ but less than, or equal to, 5000m³ per year <p>and the purpose of the abstraction is to:</p> <ul style="list-style-type: none"> • test the yield of the borehole • determine the hydraulic properties of the aquifer • sample the water quality 	Registration
(g)	<p>The abstraction of water from:</p> <ul style="list-style-type: none"> • coastal and transitional waters • groundwater below the bed of coastal or transitional waters 	Registration

(h)	The abstraction of water greater than, or equal to, 10m ³ per day, from a freshwater loch, for use by vessels where all the abstracted water is discharged back to the same loch.	Registration
(i)	The abstraction of water from an offline impoundment (e.g., storage pond) fed solely by field drains and/or groundwater.	Registration
(j)	The abstraction of water from an inland surface water and its subsequent discharges, for the purpose of use in an open loop water sourced heat pump, where the total daily volume is more than 50m ³ .	Permit
(k)	All other abstractions from inland waters where the total daily volume is more than 50m ³ .	Permit

8.2.1 Rationale for proposals

We are proposing to change the current Registration authorisation for the activity below:

- The construction and operation of a borehole, and abstraction for the purpose of test pumping or sampling, where the borehole will be or is intended to be less than or equal to 200m deep and where a Registration or Licence level abstraction is planned.

We are proposing this activity is authorised by two separate Registrations under the new framework. These are:

- the abstraction of groundwater from a borehole for testing yield, determining the hydraulic property, or sampling water quality
- the construction and operation of a borehole less than or equal to 200m deep, where not authorised under General Binding Rule 3 (as detailed in the section: Construction, extension or operation of any well or borehole)

We are proposing these changes to clarify the limits on the amount of groundwater that can be abstracted from a borehole for testing yield, determining the hydraulic property, or for sampling the water quality.

There is no change to the level of authorisation for any other activity. Permit and registration activities are subject to application and subsistence charges.

8.2.2 Questions

- (a) Is Table 18: Type of authorisation for abstraction, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

8.3 Construction, extension or operation of a borehole or well

The table below lists the activities regulated under the category of construction, extension or operation of a borehole or well, and its type of authorisation.

We are not proposing any changes to levels of authorisation for borehole activities.

Registration and Permit activities are subject to an application charge.

Table 19: Type of authorisation for construction, extension and/or operation of a borehole or well

Item	Type of activity	Type of authorisation
(a)	<p>The construction, extension [or operation] of a borehole or well (that will be less than or equal to 200 metres deep) or other works by which water may be abstracted where the works are:</p> <ul style="list-style-type: none"> • not intended for the purpose of abstraction • intended for the abstraction of less than 10m³ of water in a day • intended for the abstraction of less than 150m³ of water in 1 year and the purpose of the abstraction is either: 	General Binding Rule 3

	<ul style="list-style-type: none"> ○ to test for the yield of the borehole/well or the hydraulic properties of the aquifer ○ to sample the water quality ● intended to dewater one or more excavations at: <ul style="list-style-type: none"> ○ a construction site for roads, buildings, pipelines, or other built developments ○ a site at which the maintenance of such developments is being undertaken ○ intended for the purpose of a General Binding Rule 17 activity 	
(b)	The construction, extension or operation, including the decommissioning, of any borehole with a depth of less than, or equal to, 200m where the activity is not authorised by General Binding Rule 3.	Registration
(c)	The construction, extension or operation, including the decommissioning, of any borehole with a depth of more than 200m.	Permit

8.3.1 Questions

- (a) Is Table 19: Type of authorisation for construction, extension and/or operation of a borehole or well, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

9. Water activities – impoundments

9.1 What activities require, and do not require, an authorisation?

The activities below will require an authorisation before they are carried out. It will be an offence to carry out these activities without an authorisation:

- Construct or alter (modify or remove) an impoundment in inland waters (other than groundwater) or wetland. An impoundment includes any dam, weir or other works by which water may be impounded.
- Operate impounding works in a surface water or wetland.

You will not require an authorisation for the following impoundment activities:

- The construction and operation of off-line impoundments. For example:
 - impoundments that receive their inflow from an authorised abstraction (including impoundments constructed by farmers to hold water used for irrigation and firewater ponds/impoundments used by industry)
 - impoundments that form part of an artificial treatment system
 - impoundments in artificial water bodies e.g., canals and lades (including locks), which hold back flows within the canal or lade. The placement and operation of temporary impoundments solely for the purpose of pollution control associated with construction and development sites do not require authorisation.
- The construction, modification, removal and/or operation of an impoundment designed to raise the water levels to restore a degraded wetland or peatland where the activity:
 - is carried out in artificial drainage channels or eroded channels less than or equal to 1m wide
 - is not associated with an abstraction
- Construction or alteration of impoundments in coastal and transitional waters (these are regulated by Scottish Government's Marine Directorate).

- Maintenance of an impoundment where there is no alteration to:
 - impoundment height or capacity impounded
 - the footprint of the impoundment
 - the flow over or through the impoundment
 - install a fish pass or screen

9.2 Impoundment activities

The table below lists the activities regulated under the category of impoundment, and its type of authorisation.

Registration and Permit activities will be subject to application and subsistence charges.

Table 20: Type of authorisation for impoundment activities

Item	Type of activity	Type of authorisation
(a)	The operation of any weir that: <ul style="list-style-type: none"> • is not capable of being operated to control the water level upstream of the weir • does not result in the creation of a height differential between the upstream and downstream water surfaces of more than one metre • was constructed before 1 April 2006 	General Binding Rule
(b)	The construction, modification, removal, or operation of any impoundment in inland surface waters, or wetlands, for peatland restoration or wetland creation.	Registration
(c)	The operation of an impoundment in inland surface waters or wetlands which: <ul style="list-style-type: none"> • is more than 1 metre in height 	Registration

	<ul style="list-style-type: none"> • was constructed before 1 April 2006 • does not adversely affect the passage of salmon or sea trout 	
(d)	The modification, removal and/or operation of all other impoundments in inland surface waters or wetlands, constructed before 1 April 2006.	Permit
(e)	Construction, modification, removal or operation of all other impoundments in inland surface waters or wetlands.	Permit
(f)	Operation of all impoundments in coastal and transitional waters.	Permit

9.2.1 Rationale for proposals

The activities noted below are currently authorised by a Licence. We are proposing to change these to Registration authorisations under the new framework:

- (b) The construction, modification, removal or operation of any impoundment in inland surface waters, or wetlands, for peatland restoration or wetland creation.
- (c) The operation of an impoundment which:
- is more than 1 metre in height
 - was constructed before 1 April 2006
 - does not adversely affect the passage of salmon or sea trout in inland surface water or wetlands

We consider both these activities to be low risk and suitable for regulation under the Registration authorisation using Standard Conditions.

In addition, peatland restoration and wetland creation have many benefits including improving water quality and reducing flood risk. SEPA want to encourage these activities while still ensuring protection of the environment.

9.2.2 Questions

- (a) Is Table 18: Type of authorisation for impoundment activities, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

10. Water activities – engineering

10.1 What activities require, and do not require, an authorisation?

The activities below will require an authorisation before they are carried out. It will be an offence to carry out these activities without an authorisation:

- carry out building or engineering works in inland surface waters (other than groundwater) or wetlands, or in the vicinity of these waters, and these works have or are likely to have, a significant adverse impact on the water environment

You will not require an authorisation for the following engineering activities:

- engineering works below the surface of the ground only affecting groundwater
- engineering works in coastal and transitional waters (these are regulated by Scottish Government's Marine Directorate)
- engineering works in wetlands that are solely dependent on a body of groundwater
- engineering activities (except for culverting for land-gain, dredging and permanent diversions/realignments) on minor watercourses. A minor watercourse is one that is not shown on the 1:50,000 scale Ordnance Survey maps (Landranger series)
- construction and maintenance of land drainage works (including road drains and field drains) that do not affect a natural watercourse
- the removal or management of in-stream or bankside (riparian) vegetation and instream debris/rubbish including fallen trees
- activities that are the subject to, and carried out, in accordance with a SEPA regulatory position statement (see gold panning, pipelines, fences, and placement of large wood²⁰)

²⁰ <https://www.sepa.org.uk/regulations/water/engineering/engineering-guidance/>

- maintenance or replacement of less than 50 percent of an existing structure which uses equivalent materials and does not increase the footprint of the structure, or alter the bank height, natural bed level or channel width

10.2 Bank Works

The table below lists the activities regulated under the category of bank works, and its type of authorisation.

Registration and Permit activities will be subject to application charges.

Table 21: Type of authorisation for bank works

Item	Type of activity	Type of authorisation
(a)	Bank works using the placement of trees, or parts of trees, in a river, burn, ditch or loch.	General Binding Rule 25
(b)	Bank works by revetment or bank reprofiling of a river, burn, ditch or loch, where the total cumulative length of bank affected* is less than or equal to 10 metres or one channel width, whichever is greater. *The total cumulative length of bank affected excludes the length of any associated temporary works.	General Binding Rule 8
(c)	Carrying out bank works on a watercourse or loch where: <ul style="list-style-type: none"> • the total cumulative length of bank affected is less than or equal to 50 metres • there is no alteration to the height of the existing bank top 	Registration
(d)	Carrying out all other bank works (including any alteration to the bank height).	Permit

10.2.1 Rationale for proposals

(i) Changes to terminology

We are introducing the term 'bank works' to describe and group activities where work has an impact on the banks. We are proposing a simplified approach where the proposed length of bank affected, is the predominant reason for determining the type of authorisation.

We have removed the terms 'green' and 'grey' bank. These terms were previously used to determine the level of authorisation for some activities. SEPA fully encourages 'green' techniques wherever possible. However, using these terms to determine the level of authorisation has sometimes resulted in consistency issues and provided an unnecessary level of complexity, which did not significantly alter our method of assessment, or the conditions we would set.

(ii) Changes to the type of authorisation

Scottish Government are consulting on proposals to amend EASR 2018. These proposals include very minor changes to existing CAR General Binding Rule activities 25 and 8.

The activities noted below are currently authorised by a Licence. We are proposing to change these to Registration authorisations under the new framework:

(b) Carrying out bank works on a watercourse or loch where:

- the total cumulative length of bank affected is less than or equal to 50 metres
- there is no alteration to the height of the existing bank top

By extending the scope to any type of bank works, and setting the upper threshold at 50 metres, we propose the activities noted below should move from Licence to Registration authorisation under the new framework:

- 'Grey' bank works less than, or equal to, 50 metres in length which are not associated with an existing structure
- 'Grey' bank protection more than 20 metres and less than, or equal to, 50 metres in length, associated with an existing structure

- other bank works which were not revetment or reprofiling and were licenced under the activity 'Other controlled engineering activities not defined elsewhere'.

We consider the potential environmental impact from this scale of activities, can be adequately controlled with Standard Conditions as part of the Registration authorisation process. The application process will be simpler and clearer for applicants.

Authorising these activities by Registration means we can determine applications for small scale bank works more quickly. The changes proposed are consistent with our risk based, proportionate approach to regulation.

10.2.2 Questions

- Is Table 21: Type of authorisation for bank works, clear and understandable?
- Do you agree with the type of authorisation proposed for each activity?

10.3 Channel modifications

Channel modification is any alteration to the course, planform, cross section, or gradient of a watercourse. This includes diversion, realignment and resectioning activities.

The table below lists the activities regulated under the category of channel modification, and its type of authorisation.

Registration and Permit activities will be subject to application charges.

Table 22: Type of authorisation for channel modification

Item	Type of activity	Type of authorisation
(a)	Channel modification of a minor watercourse*: <ul style="list-style-type: none"> • where the channel has been previously modified • which has a bed of sand, silt, or clay 	Registration

	*Minor watercourse is a watercourse that is not displayed on Ordnance Survey 1:50:000 scale Landranger maps.	
(b)	Channel modification of a watercourse which: <ul style="list-style-type: none"> • is associated with a structure • affects less than or equal to 15 metres of channel length 	Registration
(c)	All other channel modifications of a watercourse or installation of a flood bypass channel.	Permit
(d)	The installation of a culvert for land gain.	Permit

10.3.1 Rationale for proposals

Channel modifications can represent one of the higher risk and potentially damaging engineering activities. Under the current system, all activities require a Licence authorisation, regardless of the scale of works or situation.

We propose to change this level of authorisation from Licence to Registration under the new framework for two scenarios, where we believe the current level of authorisation is disproportionate. These are shown below:

(a) Channel modification of a minor watercourse:

- where the channel has been previously modified
- which has a bed of sand, silt, or clay

(b) Channel modification of a watercourse which:

- is associated with a structure
- affects less than or equal to 15 metres of channel length.

This channel modification would be carried out to ensure a watercourse passes through a structure as intended.

We consider the potential environmental impact from this scale of activities, can be adequately controlled with Standard Conditions as part of the Registration authorisation process. The application process will be simpler and clearer for applicants.

The changes proposed are consistent with our risk based, proportionate approach to regulation.

10.3.2 Questions

- (a) Is Table 22: Type of authorisation for channel modification, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

10.4 Crossings

Crossing means any structure that is constructed and installed for the purpose of supporting a footpath, cycle route, or transport route, across any river, burn, ditch or loch or any pipe, pipeline, or cable; that crosses over or underneath any river, burn, ditch or loch; excluding temporary crossings, impounding works and culverts installed for land gain.

The table below lists the activities regulated under the category of crossings, and its type of authorisation.

Registration and Permit activities will be subject to application charges.

Table 23: Type of authorisation for crossings

Item	Type of activity	Type of authorisation
(a)	The installation of a crossing with no construction on bed or banks on any river, burn, ditch or loch.	General Binding Rule 6
(b)	The installation of a crossing across a watercourse or loch where: <ul style="list-style-type: none"> • no part of the crossing is on the bed 	Registration

	<ul style="list-style-type: none"> part of the crossing is on the bank and the total cumulative length* of all banks affected is less than, or equal, to 50 metres <p>* The total cumulative length of bank affected includes the total length of structures on both banks, including the length of bridge abutments and any dependant bank reinforcement. It does not include the length of any associated temporary works.</p>	
(c)	<p>The installation of a crossing (excluding fords, causeways, and bridges with piers) across a watercourse which has a bed width of less than, or equal to, 2 metres, or a loch where:</p> <ul style="list-style-type: none"> part of the crossing is on the bed the total cumulative length of channel* affected is less than, or equal to, 15 metres the total cumulative length of all banks affected is less than or equal to 50 metres <p>*The total cumulative length of channel affected refers to the total length being installed on the bed, as measured parallel to the bank or in the case of lochs, measured parallel to the loch shore. It does not include the length of any associated temporary works.</p>	Registration
(d)	<p>The installation of all other crossings across a watercourse or loch (this includes all fords, causeways, and bridges with piers).</p>	Permit

10.4.1 Rationale for proposals

(i) Changes to terminology

We are proposing to use the term 'crossing' for the activities described in this section. We consider this will simplify activity descriptions and make it clearer for the applicant.

The proposed crossing activities will be differentiated by the length of bank and/or bed affected, and by the bed width of the watercourse (where the proposal affects the bed).

(ii) Changes to the type of authorisation

Scottish Government are consulting on proposals to amend EASR 2018. These proposals include minor changes to existing CAR General Binding Rule activity 6.

Temporary crossings will be regulated by a proposed new General Binding Rule. More information about this activity is detailed in the 'Other Engineering Activities' section.

SEPA are proposing to replace three existing CAR Registrations for crossing activities, with two Registration authorisations under the new framework.

We are also proposing to escalate some of the higher risk activities, currently authorised under CAR Registrations, to Permit level under the new framework.

(b) Registration: The installation of a crossing across a watercourse or loch where:

- no part of the crossing is on the bed
- part of the crossing is on the bank and the total cumulative length of all banks affected is less than or equal to 50 metres

This new Registration will replace the current CAR Registration activity 'bridges with no construction on bed and ≤ 20 m of total bank affected'. It will also result in a change from CAR Licence activity 'bridges with construction on the bank but no construction on bed that involve more than 20 metres but less than or equal to 50 metres of total bank affected'.

The new Registration will increase the limit for total length of bank affected from 20 metres to 50 metres. This change will ensure consistency with other bank works Registrations under the framework, which have been proposed to protect crossing structures from scour.

(c) Registration: The installation of a crossing (excluding fords, causeways, and bridges with piers) across a watercourse which has a bed width of less than, or equal to, 2 metres, or a loch where:

- part of the crossing is on the bed
- the total cumulative length of channel* affected is less than, or equal to, 15 metres
- the total cumulative length of all banks affected is less than or equal to 50 metres

This new Registration will replace the current CAR Registration activities 'closed culverts used for footpaths, cycle route, single track roads or single-track railways in rivers ≤ 2 m wide', and 'pipeline or cable crossings beneath bed by isolated open-cut or mole plough'.

It will also result in a change from CAR Licence activity 'bridges with construction on the bed affecting less than or equal to 15 metres of channel, where the length of banks affected is less than or equal to 50 metres and where the bed of the watercourse is less than or equal to 2 metres wide'.

We are proposing to extend this Registration to cover all crossing types except fords, causeways, and bridges with piers, as these are often non-standard in nature and require more rigorous assessment.

We propose to retain the width limit on the bed of the watercourse to 2 metres. Any crossing with works on the bed, where the bed width is greater than 2 metres, will require a Permit authorisation.

We are proposing to introduce a new 15 metre limit on the length of bed affected. The current CAR Registration does not contain a length limit on the length of culvert installed for a single-track road or railway. This new 15 metre length limit reflects the width of most single-track roads and railways. Culverts and other crossing types longer than 15 metres, pose an increased risk to river continuity and fish passage, requiring more detailed assessment and would therefore require a Permit authorisation.

We are proposing a limit of 50 metres for total length of bank affected, in recognition of the need to protect crossing structures from scour. This change will ensure consistency across Registration activities in this category.

(d) Permit: The installation of all other crossings across a watercourse or loch (this includes all fords, causeways, and bridges with piers)

This will include activities currently authorised by CAR Registration:

- Closed culverts which are more than 15m in length and installed on watercourses less than 2 metres wide
- Pipeline crossings beneath the bed using isolated open cut or mole plough:

- where the length of channel affected is more than 15 metres and where the bed of the watercourse is less than, or equal to, 2 metres wide; or
- any length of channel affected where the bed of the watercourse is more than 2 metres wide

We believe the potential environmental impacts from this scale of activities for these two Registrations can be adequately controlled by Standard Conditions.

These changes will allow applications for such works to be determined quicker.

The changes will ensure that higher risk activities, which are increasing level of authorisation to Permit, will be subject to more detailed determination assessment and bespoke conditions, where required.

The changes proposed are consistent with our risk based, proportionate approach to regulation.

We will continue to encourage good practice and will work with sectors involved in such works on good design principles.

10.4.2 Questions

- (a) Is Table 23: Type of authorisation for crossings, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

10.5 Instream or in-loch structures or the placement of boulders

Instream structure means any structure that occupies a portion of the bed of the river, burn, ditch including bed reinforcement, jetties, platforms, marinas, croys, groynes and other flow deflectors, but excluding temporary structures, bridge piers and impounding works.

Bed width is the straight-line distance as measured across the bed of the watercourse, between the toe of one bank and the toe of the opposite bank.

The total cumulative length of channel affected refers to the total length being installed on the bed, as measured parallel to the bank. It does not include the length of any associated temporary works.

The table below lists the activities regulated under the category of instream or in-loch structures or the placement of boulders, and its type of authorisation.

Registration and Permit activities will be subject to application charges.

Table 24: Type of authorisation for instream or in-loch structures or the placement of boulders

Item	Type of activity	Type of authorisation
(a)	The installation of instream structures or the placement of one or more boulders in a river, burn or ditch, which occupies less than, or equal to, 10% of the bed width.	General Binding Rule 14
(b)	The installation of an instream structure or the placement in a watercourse of one or more boulders: <ul style="list-style-type: none"> • which occupies more than 10% of the bed width • where the total cumulative length of channel affected³ is less than or equal to 10 metres 	Registration
(c)	The installation of in-loch structures with a total area of less than, or equal to, 50 square metres (m ²)	Registration

(d)	The installation of all other in-loch or instream structures or all other boulder placements in a watercourse.	Permit
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10.5.1 Rationale for proposals

(i) Changes to terminology

We are proposing to use the term 'instream structure' for activities in this category. We consider this will simplify activity descriptions and make it clearer for the applicant.

(ii) Changes to the level of authorisation

Scottish Government are consulting on proposals to amend EASR 2018. These proposals include minor changes to existing CAR General Binding Rule activity 14.

SEPA are proposing changes in relation to instream structures, but not in-loch structures. We propose to decrease the level of authorisation, from CAR Licence to a Registration authorisation under the new framework.

(b) Registration: the installation of an instream structure or the placement in a watercourse of one or more boulders:

- which occupies more than 10% of the bed width
- where the total cumulative length of channel affected³ is less than or equal to 10 metres

The above Registration will replace the current CAR Registration activity 'bed reinforcement ≤10m in length downstream of closed culverts'.

This new Registration extends the scope to cover instream structures in all situations, and the placement of one or more boulders, where more than 10 percent of the bed width is occupied.

The three activities noted below, which affect less than 10 metres of channel length, currently require a CAR Licence. These activities will also be covered by Registration under the new framework.

- all other in-stream structures in rivers >3m wide affecting ≤50m of river length
- all other in-stream structures in rivers ≤3m wide

- all other in-stream structures in rivers >3m wide* affecting >50m of river length

This includes activities such as bed reinforcement at bridges, small croys, flow deflectors and boulder placements.

We believe the potential environmental impacts from this scale of activities can be adequately controlled by Standard Conditions in Registration authorisations.

These changes will allow applications for such works to be determined quicker.

The changes proposed are consistent with our risk based, proportionate approach to regulation.

We will continue to encourage good practice and will work with sectors involved in such works on good design principles.

10.5.2 Questions

- (a) Is Table 24: Type of authorisation for in-loch structures or the placement of boulders, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

10.6 Sediment management

Sediment Management is any works which involves removing or moving sediment from, or reintroducing sediment to, the channel of a watercourse or the bed of a loch (this includes dredging).

The table below lists the activities regulated under the category of sediment management, and its type of authorisation.

Registration and Permit activities will be subject to application charges.

Table 25: Type of authorisation for sediment management

Item	Type of activity	Type of authorisation
(a)	<p>Dredging in a previously straightened river, burn or ditch, with an average bed width of less than 1 metre along the stretch to be worked.</p> <p>*Note, SEPA does not intend to apply General Binding Rule 5 to human-made ditches, formed where there was not previously a natural watercourse, nor to engineering maintenance operations in road drainage ditches or equivalent. However, during such works, operators should use best practice to ensure that pollution of the water environment from the works (including silt pollution) is prevented.</p>	General Binding Rule 5*
(b)	Sediment management within 10 metres upstream of a weir.	General Binding Rule 12
(c)	Sediment management within 10 metres of a closed culvert.	General Binding Rule 13
(d)	Sediment management within 5 metres of an outfall or intake.	General Binding Rule 13
(e)	<p>Sediment removal:</p> <ul style="list-style-type: none"> • in a watercourse within 10 metres of a bridge • in open culverts with a bed width of less than or equal to 2 metres • in canals, lades, and other artificial inland surface water. 	Registration

(f)	Sediment removal where the total cumulative length of channel affected is less than, or equal to, 500 metres, from a previously straightened watercourse which has: <ul style="list-style-type: none"> • a bed of sand, silt, or clay • a bed width of less than 5 metres 	Registration
(g)	Sediment removal from individual exposed sediment deposits within a continuous channel length of no more than 1 kilometre, in any watercourse.	Registration
(h)	Sediment removal with a total area of less than, or equal to, 50 square metres (m ²) in lochs.	Registration
(i)	All other sediment management in any watercourse or loch.	Permit

10.6.1 Rationale for proposals

(i) Changes to the type of authorisation

Scottish Government are consulting on proposals to amend EASR 2018. These proposals include minor changes to existing CAR General Binding Rule activities 5, 12, and 13.

SEPA propose to decrease the level of authorisation from CAR Licence to Registration for one activity, by creating a new Registration:

(h) Sediment removal with a total area of less than, or equal to, 50 square metres (m²) in lochs

This new Registration is proposed for small amounts of sediment management within lochs. Previously, all sediment management in lochs has been authorised by a CAR Licence. We consider this disproportionate to the risks posed.

We believe the potential environmental impacts from this scale of activities can be adequately controlled by Standard Conditions in Registration authorisations.

These changes will allow applications for such works to be determined quicker.

The changes proposed are consistent with our risk based, proportionate approach to regulation.

10.6.2 Questions

- (a) Is Table 25: Type of authorisation for sediment management, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

10.7 Other engineering activities

The table below lists activities regulated under the category of 'other engineering activities', and its type of authorisation. These activities do not fit under the other categories described in this consultation.

Permit activities are subject to application charges.

Table 26: Type of authorisation for other engineering activities

Item	Water activity	Type of authorisation
(a)	The installation of an outfall.	General Binding Rule 6
(b)	Operating vehicles, plant, or machinery, in or near surface water or wetland, for the purpose of carrying out any other General Binding Rule activity, or maintenance of an existing human-made structure in or near surface water or wetland.	General Binding Rule 9
(c)	The installation and removal of: <ul style="list-style-type: none"> • temporary crossings and temporary structures in a river, burn, ditch or loch • any temporary works associated with the undertaking of any other activity specified in this schedule, or for the purpose of maintaining an existing human-made structure in a river, burn, ditch or loch 	General Binding Rule 7

	unless the installation or removal is authorised by a Registration or Permit under these Regulations.	
(d)	Any engineering activities not otherwise described.	Permit

10.7.1 Rationale for proposals

(i) Levels of authorisation changes

Scottish Government are consulting on proposals to amend EASR 2018. These proposals include minor changes to existing CAR General Binding Rule activities 6 and 9.

They are also proposing to delete and replace the existing General Binding Rule Activity 7, with a new description and terminology.

10.7.2 Questions

- (a) Is Table 26: Type of authorisation for other engineering activities, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

10.8 Engineering activities in wetlands

The table below lists activities regulated under the category of engineering activities in wetlands, and its type of authorisation. We are not proposing any changes to the level of authorisation for these activities.

These activities include:

- drainage operations (dredging/ excavation of drainage channels)
- removal of sediment through excavation
- changing elevations using fill material

Further guidance on identifying wetlands is available in the Wetland Typology for Scotland Manual²¹ and Wetland Typology and Indicators Summary²².

Permit activity is subject to application charge.

Table 27: Type of authorisation for engineering activities in wetlands

Item	Type of activity	Type of authorisation
(a)	Operating vehicles, plant, or machinery, in or near surface water or a wetland, for purpose of carrying out any other General Binding Rule activity and/or maintenance of an existing human-made structure in or near surface water or a wetland.	General Binding Rule 9
(b)	Engineering activities that are likely to have a significant adverse impact on a wetland (which is dependent on a body of surface water).	Permit

10.8.1 Questions

- (a) Is Table 27: Type of authorisation for other engineering activities in wetlands, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

²¹ [Contents \(sniffer.org.uk\)](https://www.sniffer.org.uk/Contents)

²² <https://www.sniffer.org.uk/Handlers/Download.ashx?IDMF=c5e3388e-06ca-4f57-b7ec-a04c65344252>

10.9 Engineering activities in the vicinity of inland surface waters or wetlands

The table below lists activities regulated under the category of engineering activities in the vicinity of inland surface waters or wetlands, and its type of authorisation. We are not proposing any changes to the level of authorisation for these activities.

An engineering activity is classed as being in the vicinity of an inland surface water if it is less than, or equal to, 10 metres or two channel widths, whichever is the shorter, from the bank top of that inland water, or in the case of wetlands, less than, or equal to, 10 metres from the wetland.

These activities include:

- drainage operations (dredging/ excavation of drainage channels)
- removal of sediment through excavation
- changing elevations using fill material

Further guidance on identifying wetlands is available in the Wetland Typology for Scotland Manual²³ and Wetland Typology and Indicators Summary²⁴.

Permit activities are subject to application charge.

Table 28: Type of authorisation for engineering activities in the vicinity of inland surface waters or wetlands

Item	Type of activity	Type of authorisation
(a)	New embankments or flood walls. Extension of existing embankments or flood walls. Land raising.	Permit

²³ [Contents \(sniffer.org.uk\)](https://www.sniffer.org.uk/Contents)

²⁴ <https://www.sniffer.org.uk/Handlers/Download.ashx?IDMF=c5e3388e-06ca-4f57-b7ec-a04c65344252>

(b)	<p>* Heightening, lowering, or removing over a length of more than 500 metres as measured along the bank of:</p> <ul style="list-style-type: none"> • existing embankments • existing flood walls <p>* Heightening, lowering/removing of embankments, or floodwalls, over a length of less than, or equal to, 500 metres as measured along the bank, will not require authorisation; unless, they are considered to pose a significant increase of erosion, in which case authorisation will be required.</p>	Permit
(c)	<p>Engineering activities in the vicinity of an inland surface water* or wetland** that are likely to have a significant adverse impact on a wetland (which is dependent on a body of surface water).</p> <p>* In the vicinity of inland surface waters is where the activity takes place less than or equal to 10 metres or two channel widths from the bank top, whichever is shorter.</p> <p>** In the vicinity of wetlands is where the activity takes place less than or equal to 10 metres from the wetland.</p>	Permit

10.9.1 Questions

- (a) Is Table 28: Type of authorisation for engineering activities in the vicinity of inland surface waters or wetlands, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

10.10 Engineering activities beyond the vicinity of any inland surface waters or wetlands

The table below lists activities regulated under the category of engineering activities carried out beyond the vicinity of inland surface waters or wetlands, and its type of authorisation. We are not proposing any changes to the level of authorisation for this activity.

An engineering activity is considered to be taking place beyond the vicinity when it is further than 10 metres or two channel widths (whichever is the shorter) from the bank top of inland surface waters, or in the case of wetlands, (which are dependent on a body of surface water), further than 10 metres from the wetland.

These activities include:

- drainage operations (dredging/ excavation of drainage channels)
- removal of sediment through excavation
- changing elevations using fill material

Further guidance on identifying wetlands is available in the Wetland Typology for Scotland Manual²⁵ and Wetland Typology and Indicators Summary²⁶.

Permit activities are subject to application charge.

Table 29: Type of authorisation for engineering activities beyond the vicinity of any inland surface waters or wetlands

Item	Type of activity	Type of authorisation
(a)	Engineering activities beyond the vicinity of an inland surface water or wetland that are likely to have a significant adverse impact on a wetland (which is dependent on a body of surface water).	Permit

²⁵ [Contents \(sniffer.org.uk\)](https://www.sniffer.org.uk/Contents)

²⁶ <https://www.sniffer.org.uk/Handlers/Download.ashx?IDMF=c5e3388e-06ca-4f57-b7ec-a04c65344252>

10.10.1 Questions

- (a) Is Table 29: Type of authorisation for engineering activities beyond the vicinity of any inland surface waters or wetlands, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

10.11 Maintenance, replacement, or removal, of an existing engineered structure

The table below lists activities regulated under the category of maintenance, replacement, or removal, of an existing engineered structure (does not include impoundments), and its type of authorisation. These activities include failed and abandoned structures no longer serving their intended purpose.

We are not proposing any changes to the level of authorisation for these activities.

An activity is classed as being in the vicinity of inland surface waters where it takes place less than, or equal to, 10 metres or two channel widths from the bank top, whichever is shorter, or in the vicinity of wetlands where it takes place less than, or equal to, 10 metres from the wetland.

Registration and Permit activities are subject to application charge.

Table 30: Type of authorisation for maintenance, replacement, or removal, of an existing engineered structure

Item	Type of activity	Type of authorisation
(a)	Works to maintain an existing man-made structure in or near any surface water or wetland, not covered by another authorisation, which involves operating any vehicle, plant, or other equipment.	General Binding Rule 9
(b)	Maintenance, or partial replacement (less than 50%) of an existing structure in, or in the vicinity of, inland waters; or in, or	General Binding Rule 9, Registration, or

	<p>in the vicinity of, a wetland which is dependent on a body of surface water:</p> <p>where one or more of the criteria below apply:</p> <ul style="list-style-type: none"> • increase in footprint • alterations to the bank height • alterations to the natural bed level • alterations to the channel width • the structure is altered to become a different structure type <p>*Footprint is the length and width of a structure in its most recent form. Bed reinforcement occupying less than or equal to 10% of channel width at an existing structure can be undertaken provided the work complies with the relevant General Binding Rule (GBR14).</p>	Permit, dependant on the type and scale of activity
(c)	Replacement of 50% or more of an existing structure.	General Binding Rule 9, Registration, or Permit, dependant on the type and scale of activity
(d)	Removal (including partial removal) of an engineered structure which is of a General Binding Rule or Registration scale.	Registration
(e)	Removal (including partial removal) of a Permit scale engineered structure.	Permit

10.11.1 Questions

- (a) Is Table 30: Type of authorisation for maintenance, replacement, or removal, of an existing engineered structure, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

11. Water activities - other activities that may affect the water environment

There may be a small number of activities not specified in this consultation, that have, or are likely to have, a significant adverse impact on the water environment.

In such cases, you will require a Permit authorisation.

Significant adverse impact will be determined by SEPA.

Permit activities are subject to application and subsistence charges.

11.1 Questions

- (a) Do you agree that activities not otherwise specified or covered by another authorisation, that have, or are likely to have, a significant impact on the water environment, require a Permit authorisation?

12. Industrial activities

The activities discussed in this part of the consultation are currently regulated under Pollution Prevention and Control (Scotland) Regulations 2012 (PPC). Scottish Government is consulting on proposed amendments to the Environmental Authorisations (Scotland) Regulations 2018 (EASR 2018), which would bring these activities under this new regulatory framework.

Under PPC, these activities currently require a Permit authorisation. **SEPA are not proposing to significantly change the type of authorisation required for most of these activities under EASR 2018.** The majority will still require a Permit, a small number will move to a Registration authorisation, and one activity (mobile and static crushing and screening) will move to a Notification authorisation.

Scottish Government have proposed three new industrial activities. These are anaerobic digestion (non-waste); carbon capture and storage (non-geological); and generators of electricity aggregating to 1 megawatt thermal (MWth). The SEPA consultation states what type of authorisation each of these activities would require.

Registration and Permit activities are subject to application charge and subsistence charges.

12.1 Categories of Industrial activities

Under these proposals, activities would no longer be described as Part A and Part B. Instead, they would be split into:

12.1.1 Industrial emissions activities

These include:

- activities listed in Part 4 of Schedule 20 (which are referred to in the draft Regulations as 'Schedule 20 emissions activities')
- operating a large combustion plant
- incineration and co-incineration of liquid and solid waste, at a waste incineration or co-incineration plant
- organic solvent activities

- titanium dioxide activities

12.1.2 Other emissions activities

These include:

- operating a medium combustion plant
- petrol vapour recovery activities
- activities listed in Part 3 of Schedule 26 (which are referred to in the draft Regulations as 'other emissions activities')

12.2 What activities require, and do not require, an authorisation?

To make this consultation easier to navigate, we have only included information on industrial activities where SEPA are proposing a change to the type of authorisation under the new framework. Unless specifically stated otherwise in this consultation, industrial activities will continue to require a Permit authorisation.

For a full list of activities under the new framework, you may wish to refer to Scottish Government's consultation on proposed amendments to the Environmental Authorisations (Scotland) Regulations 2018 (EASR 2018).

We have also provided a reference table at Annex 2 of this consultation. This table confirms how these activities are currently referenced in PPC Regulations, and their corresponding proposed new reference under EASR 2018, together with the type of authorisation proposed under the new framework.

You may find it helpful to also review proposals in this consultation for Waste Management Activities. Larger, more complex, waste sites (e.g., materials recovery facilities, landfills, large-scale composting facilities) are included under that category.

These activities will continue to require a Permit authorisation, with the sole exception of 'incineration of biomass waste in an incineration or co-incineration plant, with a capacity of more than 50 kilograms per hour and equal to, or less than, 3 tonnes per hour'. We propose to regulate this activity with a Registration authorisation under the new framework.

13. Existing industrial activities

We have only included information where SEPA are proposing a change to the type of authorisation under the new framework. Unless specifically stated otherwise in this consultation, all other industrial activities will continue to require a Permit authorisation.

We propose to regulate a small number of activities with either a Notification or Registration authorisation under the new framework. More information about these activities is set out in sections 13.1 through 13.8 (inclusive) below.

This is consistent with our risk based, proportionate approach to regulation. This change will simplify the authorisation process, allow applications to be processed more quickly, and remove a significant administrative burden for applicants.

These activities generally present a low environmental risk. Significant progress has been made by industry to implement standard measures to prevent pollution.

Awareness of practical methods to reduce environmental impact is generally high where these activities are carried out, and good environmental performance is integral to ensure business competition. Uniform process controls to mitigate emissions have also developed.

When well operated, these activities do not require high levels of regulatory effort. Technical competence for most sectors is generally high.

Registration and Permit activities are subject to application charge and subsistence charges.

13.1 This section has been deleted.

This section has been deleted.

Table 31: This table has been deleted.

13.2 Gasification, liquification and refining: petrol vapour recovery

The table below lists activities regulated under the category of petrol vapour recovery, and the types of authorisation SEPA are proposing under the new framework. This change is consistent with our risk based, proportionate approach to regulation.

Registration activities are subject to application charge and subsistence charges.

Table 32: Type of authorisation for petrol vapour recovery

Item	Type of activity	Description	Type of authorisation
(a)	Unloading of petrol from mobile containers, such as road tankers, into stationary storage tanks at a service station.	The unloading of petrol into storage tanks at a service station where the total quantity of petrol is equal to, or greater than, 500m ³ (500 000 litres) in any 12-month period.	Registration
(b)	Refuelling of vehicles at petrol stations	Motor vehicle refuelling activities at an existing service station where the petrol refuelling throughput is equal to, or greater than, 3000m ³ (3,000,000 litres) in any 12-month period.	Registration
(c)	Refuelling of vehicles at petrol stations	Motor vehicle refuelling activities at a new service station where the petrol refuelling throughput is equal to, or greater than, 500m ³ (500,000 litres) in any 12-month period.	Registration
(d)	Refuelling of vehicles at petrol stations	Motor vehicle refuelling activities at a new service station which is under permanent living quarters or working areas where the petrol refuelling throughput is equal to, or greater than, 100m ³ (100,000 litres) in any 12-month period.	Registration

13.2.1 Questions

- (a) Is Table 32: Type of authorisation for petrol vapour recovery, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for these activities?

13.3 Mineral industry: production of cement, lime, and magnesium oxide

The table below lists activities regulated under the category of production of cement, lime, and magnesium oxide, and the types of authorisation SEPA are proposing under the new framework. This change is consistent with our risk based, proportionate approach to regulation.

Registration activities are subject to application charge and subsistence charges.

Table 33: Type of authorisation for production of cement, lime, and magnesium oxide

Item	Type of activity	Description	Type of authorisation
(a)	Cement storage and batching	Any of the following activities: <ul style="list-style-type: none"> • bulk storing, loading, or unloading cement or cement clinker • blending or use of cement in bulk other than at a construction site • grinding cement clinker 	Registration

13.3.1 Questions

- (a) Is Table 33: Type of authorisation for production of cement, lime, and magnesium oxide, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for these activities?

13.4 Other mineral activities

The table below lists activities regulated under the category of other mineral activities, and the types of authorisation SEPA are proposing under the new framework.

Activities associated with crushing and screening are considered low environmental risk and can be controlled through General Binding Rules (set out in Scottish Government's proposed amendments to EASR 2018).

The employment of methods to prevent pollution arising from these activities are standard across the industry. For example, the inclusion of spray bars on crushing and screening equipment.

It is important SEPA are aware of where these activities are being carried out, and by whom. Therefore, operators must notify us prior to undertaking the activity. It will be an offence to carry out these activities without an authorisation.

Registration activities are subject to application charge and subsistence charges.

Table 34: Type of authorisation for other mineral activities

Item	Type of activity	Description	Type of authorisation
(a)	Crushing (mobile and static)	The crushing, grinding or other size reduction (other than the cutting of stone) or the grading, screening, or heating of any designated mineral or mineral product where the release of particulate matter into the air is likely	Notification
(b)	Screening (mobile and static)	The crushing, grinding or other size reduction of bricks, tiles, or concrete, and/or screening the product at the same location.	Notification
(c)	Roadstone coating	Coating road stone with bitumen.	Registration

13.4.1 Questions

- (a) Is Table 34: Type of authorisation for other mineral activities, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for these activities?

13.5 Coating activities, printing and textile treatments

The table below lists activities regulated under the category of coating activities, printing, and textile treatments; and the types of authorisation SEPA are proposing under the new framework. This change is consistent with our risk based, proportionate approach to regulation.

Registration activities are subject to application charge and subsistence charges.

Table 35: Type of authorisation for coating activities, printing, and textile treatments

Item	Type of activity	Description	Type of authorisation
(a)	Vehicle respraying	Repainting or respraying road vehicles or parts of them where the annual organic solvent consumption is greater than 2 tonnes in any 12-month period.	Registration

12.5.1 Questions

- (a) Is Table 35: Type of authorisation for coating activities, printing, and textile treatments, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for this activity?

13.6 Timber activities

The table below lists activities regulated under the category of timber activities, and the type of authorisation SEPA are proposing under the new framework. This change is consistent with our risk based, proportionate approach to regulation.

Registration activities are subject to application charge and subsistence charges.

Table 36: Type of authorisation for timber activities

Item	Type of activity	Description	Type of authorisation
(a)	Timber manufacturing	<p>The manufacturing of wood products, with a throughput in any 12-month period that is likely to exceed one of the following:</p> <ul style="list-style-type: none"> • 10,000 m³ wholly or mainly of wood which is only sawn • 1,000 m³ of wood which is sawed and/or drilled, sanded, shaped, turned, planed, shredded, or cured 	Registration

12.6.1 Questions

- (a) Is Table 36: Type of authorisation for timber activities, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for this activity?

13.7 Treatment of animal and vegetable matter and food industries

The table below lists activities regulated under the category of treatment of animal and vegetable matter and food industries, and the type of authorisation SEPA are proposing under the new framework. This change is consistent with our risk based, proportionate approach to regulation.

Registration activities are subject to application charge and subsistence charges.

Table 37: Type of authorisation for treatment of animal and vegetable matter and food industries

Item	Type of activity	Description	Type of authorisation
(a)	Fish ensiling	The ensiling or storage of dead fish or fish offal.	Registration

13.7.1 Questions

- (a) Is Table 37: Type of authorisation for treatment of animal and vegetable matter and food industries, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for this activity?

13.8 Operating a solvents installation

The table below lists activities regulated under the category of operating a solvents installation, and the type of authorisation SEPA are proposing under the new framework. This change is consistent with our risk based, proportionate approach to regulation.

Registration activities are subject to application charge and subsistence charges.

Table 38: Type of authorisation for operating a solvents installation

Item	Type of activity	Description	Type of authorisation
(a)	Dry cleaning	The dry cleaning of garments, furnishing and similar goods in an industrial or commercial activity using volatile organic compounds, in the textile and clothing industry.	Registration

13.8.1 Questions

- (a) Is Table 38: Type of authorisation for operating a solvents installation, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for this activity?

14. New industrial activities

Please refer to Scottish Government's consultation on proposed amendments to the Environmental Authorisations (Scotland) Regulations 2018 (EASR 2018), where they have proposed three new industrial activities. These are anaerobic digestion (non-waste); carbon capture and storage (non-geological); and generators of electricity aggregating to 1 megawatt thermal (MWth).

Should these activities subsequently be included under the new framework, SEPA have proposed the type of authorisation we consider appropriate to regulate these activities.

14.1 Anaerobic digestion (AD) (non-waste)

The anaerobic digestion of waste materials already currently requires an authorisation from SEPA. The anaerobic digestion of **non-waste** materials is not regulated in the same way, although potential risks to the environment are similar.

In Scottish Government proposed amendments to EASR 2018, this new activity is described as:

- anaerobic digestion unless carried out as part of an activity included in Chapter 5 of Schedule 20

Registration and permit activities are subject to application and subsistence charges.

The table below lists the authorisations being proposed by SEPA to regulate this new activity.

Table 39: Type of authorisation for anaerobic digestion (AD) (non-waste)

Item	Type of activity	Type of authorisation
(a)	Anaerobic digestion of non-waste materials with a throughput of less than 100 tonnes of non-waste feedstock per day.	Registration
(b)	Anaerobic digestion of non-waste materials with a throughput of greater than 100 tonnes of non-waste feedstock per day.	Permit

14.1.1 Rationale for proposals

SEPA's intention is to regulate anaerobic digestion consistently and create a level playing field across the sector. Therefore, we have aligned the proposed authorisations for both non-waste and waste anaerobic digestion.

We have applied an authorisation threshold based on material throughput, as this intrinsically increases the risk to the environment. If the throughput is above 100 tonnes of non-waste materials per day, a Permit authorisation will be required, aligned to Best Available Techniques. If the throughput is less than 100 tonnes of non-waste materials per day, a Registration authorisation will be required.

14.1.2 Questions

- (a) Is Table 39: Type of authorisation for anaerobic digestion (AD) (non-waste), clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

14.2 Carbon capture

Introducing this new activity would facilitate the regulation of a broader range of carbon capture technologies than current legislation allows.

In Scottish Government proposed amendments to EASR 2018, this new activity is described as:

- any other activity, if not related to any activity described in paragraph 46(11) of Part 4 of Schedule 20 for the capture of carbon dioxide from any other source.

Registration and permit activities are subject to application charge and subsistence charges.

The table below lists the authorisations being proposed by SEPA to regulate this new activity.

Table 40: Type of authorisation for carbon capture

Item	Type of activity	Type of authorisation
(a)	Capture of CO ₂ <ul style="list-style-type: none"> • not related to any activity described in paragraph 46(11) of Schedule 20 for geological storage • for storage or utilisation using direct capture/mechanical separation mechanisms e.g., capture of fermentation CO₂ 	Registration
(b)	Capture of CO ₂ <ul style="list-style-type: none"> • not related to any activity described in paragraph 46(11) of Schedule 20 for geological storage • for storage or utilisation using mechanisms which may include chemical absorption, physical absorption e.g., use of amines 	Permit

14.2.1 Rationale for proposals

We have proposed two types of authorisation for carbon capture: Registration and Permit. Our proposals for the types of authorisation have been based on mechanism of separation:

- Registration authorisations will apply where carbon dioxide can be captured directly, or where mechanical separation takes place. For example, the capture of carbon dioxide from a fermentation process. In this example, process emissions are negligible to human health and the environment, noise impact is low, and net resource use is minimal. Therefore, we consider Registration authorisation proportionate to this activity.
- Permit authorisations will apply where other mechanisms of separation are utilised, such as chemical absorption or physical absorption. For example, the use of amines. In this example, emissions from these processes have significant potential to impact air quality, land, energy, or water resources, which need to be controlled by requiring emission limit values in their authorisations. Therefore, we consider Permit authorisation proportionate to this activity.

14.2.2 Questions

- (a) Is Table 40: Type of authorisation for carbon capture, clear and understandable?
- (b) Do you agree with the type of authorisation proposed for each activity?

14.3 Generators of electricity aggregating to 1 megawatt thermal (MWth) or more

Individual combustion plant that generate electricity with a capacity of 1 MWth or more, currently require an authorisation from SEPA. Smaller combustion plant (or plants) that generate electricity aggregating to 1 MWth or more at one location, are not regulated. However, they can have a significant impact on air quality.

In Scottish Government proposed amendments to EASR 2018, this new activity is described as:

- burning any fuel in combustion appliances generating electricity on the same site with an aggregated total rated thermal input of 1 MW or more

Registration activities are subject to application charge and subsistence charges. The table below lists the authorisation proposed by SEPA to regulate this new activity.

Table 41: Type of authorisation for Generators of electricity aggregating to 1 megawatt thermal (MWth) or more

Item	Type of activity	Type of authorisation
(a)	Combustion plant (or plants) that generate electricity and aggregate to 1 MWth or more on the same site.	Registration

14.3.1 Rationale for proposals

We have proposed a Registration authorisation for this new activity. This is consistent with our risk based, proportionate approach to regulation, and will be simple and clear for the applicant.

14.3.2 Questions

- Is Table 41: Type of authorisation for generators of electricity aggregating to 1 megawatt thermal (MWth) or more, clear and understandable?
- Do you agree with the type of authorisation proposed for this activity?

Annex 2: Industrial activities

Current activity references under PPC, proposed new reference under EASR 2018, and type of authorisation proposed by SEPA

1. Energy industries

1.1 Combustion – burning of fuel

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
1.1 Part A	Schedule 20 Chapter 1 (1)	Combustion of fuels in installations with a total rated thermal input of 50 MW or more.	Permit
Part B 1.1(a) Part B 1.1(b) Part B 1.1(c)	Schedule 27 and Schedule 26, Chapter 1 (1)	Operating a medium combustion plant with a rated thermal input >20MW & <50MW Burning any fuel in combustion appliances which generate electricity on the same site with an aggregated rated thermal input of 1 MW or more (>20MW & <50MW)	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part B 1.1(d)	Schedule 27 and Schedule 26, Chapter 1 (1)	<p>Operating a medium combustion plant with a thermal input $\geq 1\text{MW}$ & $\leq 20\text{MW}$</p> <p>Burning any fuel in combustion appliances which generate electricity on the same site with an aggregated rated thermal input of 1 MW or more ($\geq 1\text{MW}$ & $\leq 20\text{MW}$)</p>	Permit

1.2 Gasification, liquefaction, and refining activities

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 1.2(a) and Part A 1.2(e)	Schedule 20, Chapter 1 (2)	Refining of mineral oil and gas.	Permit
Part A 1.2(b)	Schedule 20, Chapter 1 (3)	Production of coke	Permit
Part A 1.2(d)	Schedule 20, Chapter 1 (4)	Gasification or liquefaction of: (a) coal (b) other fuels in installations with a total rated thermal input of 20 MW or more	Permit
Part A 1.2(c) Part A 1.2(d)	Schedule 26, Chapter 1 (4)	Thermal treatment of: a) coal (other than drying of coal), lignite, oil, or other carbonaceous material or mixtures, otherwise than with a view to making charcoal b) Thermal treatment of other fuels in installations with a total rated thermal input of 20 MW or more	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 1.2(e)	Schedule 26 Chapter 1 (2)	The loading, unloading, or other handling of, the storage of, or other physical, chemical, or thermal treatment of crude oil, or stabilised crude petroleum.	Permit
Part A 1.2(f)	Schedule 26, Chapter 1 (3)	<p>(1) Purifying or refining any of the products of:</p> <ul style="list-style-type: none"> (a) the refining of mineral oil and gas (b) the production of coke (c) gasification or liquefaction of coal or other fuels in installations with a total rated thermal input of 20 MW or more <p>OR</p> <p>(2) the conversion of any of the products in sub-paragraphs (1)(a)-(c) into a different product</p>	Permit
Part B 1.2(a)	Schedule 26, Chapter 1 (6)	Blending odorant for use with natural gas or liquefied petroleum gas.	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part B 1.2(b)	Schedule 28, (2)(a)	The storage of petrol in tanks at a terminal, or the loading or unloading of petrol at a terminal.	Permit
Part B 1.2(c)	Schedule 28, (2)(b)	The unloading of petrol into stationary storage tanks at a service station if the total quantity of petrol unloaded into such tanks at the service station in any 12-month period is likely to be equal to or greater than 500 m ³ .	Registration
Part B 1.2(d)	Schedule 28, (2)(c)	Motor vehicle refuelling activities at an existing service station if the petrol refuelling throughput at the station in any 12-month period is more than 3000 m ³ .	Registration
Part B 1.2(e)	Schedule 28, (2)(d)	Motor vehicle refuelling activities at a new service station if the petrol refuelling throughput at the station in any 12-month period is, or is intended to be, 500 m ³ or more.	Registration
Part B 1.2(f)	Schedule 28, (2)(e)	Motor vehicle refuelling activities at a new service station if the petrol refuelling throughput at the station in any 12-month period is, or is intended to be, 100 m ³ or more and the service station is under permanent living quarters or working areas.	Registration

2. Metal industries (production and processing)

2.1 Ferrous metals

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 2.1(a)	Schedule 20, Chapter 2 (5)	Metal ore (including sulphide ore) roasting or sintering.	Permit
Part A 2.1(e)	Schedule 20, Chapter 2 (6)	Production of pig iron or steel (primary or secondary fusion), including continuous casting, >2.5 tonnes per hour.	Permit
Part A 2.1(c)	Schedule 20, Chapter 2 (7)	Processing of ferrous metals:	Permit
Part A 2.1(f)		(a) operation of hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour	
Part A 2.1(g)		(b) operation of smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW	
		(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour	

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 2.1(b)	Schedule 20, Chapter 2 (8)	Operation of ferrous metal foundries with a production capacity exceeding 20 tonnes per day.	Permit
Part A 2.1(b)	Schedule 26, Chapter 2 (11)	Producing, melting, or refining iron or steel or any ferrous alloy (other than producing pig iron or steel, and including continuous casting).	Permit
Part A 2.1(d)	Schedule 26, Chapter 2 (8)	Loading, unloading or otherwise handling or storing more than 500,000 tonnes in total in any 12 months of iron ore, except in the course of mining operations, or burnt pyrites.	Permit
Part A 2.1(h)	Schedule 26, Chapter 2 (9)	Casting ferrous metal at a foundry with a production capacity of more than 20 tonnes per day.	Permit
Part B 2.1(a)	Schedule 26, Chapter 2 (10)	Producing pig iron or steel, including continuous casting.	Permit
Part B 2.1(c)	Schedule 26, Chapter 2 (12)	Desulphurising iron, steel, or any ferrous alloy	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part B 2.1(d) Part B 2.2(c)	Schedule 26, Chapter 2 (13)	<p>Heating iron, steel, any ferrous alloy, non-ferrous metal, or non-ferrous metal alloy (whether in a furnace or other appliance) to remove grease, oil, or any other non-metallic contaminant (including such operations as the removal by heat of plastic or rubber covering scrap cable) unless:</p> <p>(a) it is carried out in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts</p> <p>(b) it does not involve the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant</p>	Permit
Part B 2.1(e)	Schedule 26, Chapter 2 (14)	Casting iron, steel, or any ferrous alloy from deliveries of 50 tonnes or more of molten metal.	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 2.2(d)	Schedule 26, Chapter 2 (16)	Melting (including making alloys, of non-ferrous metals, including recovered products), refining and foundry casting in a furnace, bath or other holding vessel which has a design holding capacity of 5 tonnes or more.	Permit
Part B 2.2(a)	Schedule 26, Chapter 2 (17)	The melting, including making alloys, of non-ferrous metals, including recovered products, refining, foundry casting, etc. in a facility which has a design holding capacity of less than 5 tonnes, or carried out in respect of tin, or an alloy which in molten form contains 50 per cent or more by weight of tin.	Permit
Part B 2.2(b)	Schedule 26, Chapter 2 (18)	The separation of copper, aluminium, magnesium, or zinc from mixed scrap by differential heating.	Permit
Part B 2.1(d) Part B 2.2(c)	Schedule 26, Chapter 2 (13)	Heating iron, steel, any ferrous alloy, non-ferrous metal, or non-ferrous metal alloy (whether in a furnace or other appliance) to remove grease, oil, or any other non-metallic contaminant (including such operations as the removal by heat of plastic or rubber covering scrap cable) unless:	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
		<p>(a) it is carried out in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts</p> <p>(b) it does not involve the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant</p>	
Part B 2.2(d)	Schedule 26, Chapter 2 (19)	Melting zinc or a zinc alloy in conjunction with a galvanising activity at a rate not exceeding 20 tonnes per day	Permit
Part B 2.2(e)	Schedule 26, Chapter 2 (20)	Melting zinc, aluminium or magnesium or an alloy in conjunction with a die-casting activity at a rate not exceeding 20 tonnes per day.	Permit

2.3 Surface treating metals and plastic materials

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 2.3(a)	Schedule 20, Chapter 2 (10)	Surface treatment of metals or plastic materials using an electrolytic or chemical process where the aggregated volume of the treatment vats exceeds 30 m ³ .	Permit
Part A 2.3(b)	Schedule 26, Chapter 2 (21)	Surface treating materials using cadmium or its compounds where the activity may result in the release into the air or water of cadmium and its compounds in a quantity which, in any 12-month period, exceeds the background quantity for cadmium and its compounds by 1000 grams (expressed as metal).	Permit
Part B 2.3(a)	Schedule 26, Chapter 2 (22)	Any process for the surface treatment of metal that is likely to result in the release into air of any acid-forming oxide of nitrogen unless listed in Schedule 20.	Permit

3. Mineral industries

3.1 Production of cement, lime, and magnesium oxide

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 3.1(a) Part A 3.1(b)	Schedule 20, Chapter 3 (11)	<p>Production of cement, lime, and magnesium oxide:</p> <p>(a) production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or in other kilns with a production capacity exceeding 50 tonnes per day</p> <p>(b) production of lime in kilns with a production capacity exceeding 50 tonnes per day</p> <p>(c) production of magnesium oxide in kilns with a production capacity exceeding 50 tonnes per day</p>	Permit
Part B 3.1(a)(i)	Schedule 26, Chapter 3 (25)	Storing, loading, or unloading cement or cement clinker in bulk prior to further transportation in bulk.	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part B 3.1(a) (ii)	Schedule 26, Chapter 3 (26)	Blending cement in bulk or using cement in bulk other than at a construction site, including the bagging of cement and cement mixture, the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products.	Registration
Part B 3.1(a) (iii)	Schedule 26, Chapter 3 (27)	Grinding cement clinker.	Permit
Part B 3.1(b)	Schedule 26, Chapter 3 (28)	Slaking lime for the purpose of making calcium hydroxide or calcium magnesium hydroxide.	Permit
Part B 3.1(c)	Schedule 26, Chapter 3 (29)	Heating calcium carbonate or calcium magnesium carbonate for the purpose of making lime.	Permit

3.2 Activities involving asbestos

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 3.2(a)	Schedule 20, Chapter 3 (12)	Production of asbestos or the manufacture of asbestos-based products.	Permit
Part A 3.2(b)	Schedule 26, Chapter 3 (30)	Stripping asbestos from railway vehicles except: <ul style="list-style-type: none"> (a) in the course of the repair or maintenance of the vehicle (b) in the course of recovery operations following an accident (c) where the asbestos is permanently bonded in any material including, in particular, in cement, plastic, rubber or resin 	Permit
Part B 3.2(a)	Schedule 26, Chapter 3 (31)	The industrial finishing, including shaping, drilling, or fitting manufactured asbestos products, of any of the following products where not carried out in conjunction with manufacture: <ul style="list-style-type: none"> (a) asbestos filters 	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
		<ul style="list-style-type: none"><li data-bbox="846 384 1301 419">(b) asbestos friction products<li data-bbox="846 456 1615 544">(c) asbestos jointing, packaging, and reinforcement material<li data-bbox="846 580 1182 616">(d) asbestos packing<li data-bbox="846 652 1173 687">(e) asbestos textiles	

3.3 Glass and glass fibre manufacture and production of other mineral fibres

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 3.3(a)	Schedule 20, Chapter 3 (13)	Manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day.	Permit
Part B 3.3(a)	Schedule 26, Chapter 3 (32)	Manufacture of glass at any location with the capacity to make 5,000 tonnes or more in any 12-month period, and any activity involving the use of glass which is carried out at any such location in conjunction with its manufacture.	Permit
Part B 3.3(b)	Schedule 26, Chapter 3 (33)	Manufacture of glass where the use of lead or any lead compound is involved.	Permit
Part B 3.3(c)	Schedule 26, Chapter 3 (34)	Making any glass product where lead or any lead compound has been used in the manufacture of the glass except: <ul style="list-style-type: none"> (a) making products from lead glass blanks (b) melting, or mixing with another substance, glass manufactured elsewhere to produce articles such as ornaments or road paint 	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part B 3.3(d)	Schedule 26, Chapter 3 (35)	Polishing or etching glass or glass products in the course of manufacturing activity if: (i) hydrofluoric acid is used, or (ii) hydrogen fluoride may be released into the air	Permit
Part B 3.3(e)	Schedule 26, Chapter 3 (36)	The manufacture of glass frit or enamel frit and its use in any activity where that activity is related to its manufacture.	Permit
Part A 3.4(a)	Schedule 20, Chapter 3 (14)	Melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day.	Permit

3.4 Other mineral activities

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 3.5(a)	Schedule 26, Chapter 3 (37)	Manufacturing cellulose fibre reinforced calcium silicate board	Permit
Part B 3.5(a)	Schedule 26, Chapter 3 (38)	The process of: (a) crushing, grinding or other size reduction (other than the cutting of stone), or (b) grading, screening, or heating of any designated mineral or mineral product	Notification (if screening at the place of production) Permit (if screening carried out elsewhere)
Part B 3.5(b)	Schedule 26, Chapter 3 (39)	(a) crushing, grinding, or otherwise breaking up coal or coke or any other coal product (b) screening, grading, or mixing coal, or coke or any other coal product (c) loading or unloading petroleum coke, coal, coke, or any other coal product, unless unloading on retail sale	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part B 3.5(c) And Part B 3.5(d)	Schedule 26, Chapter 3 (40)	The crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles or concrete and/or screening the product at the same or a different location.	Notification (if screening at the place of production) Permit (if screening carried out elsewhere)
Part B 3.5(e)	Schedule 26, Chapter 3 (41)	Coating road stone with tar or bitumen.	Registration
Part B 3.5(f)	Schedule 26, Chapter 3 (42)	Loading, unloading, or storing pulverised fuel ash prior to further transportation in bulk	Permit
Part B 3.5(g)	Schedule 26, Chapter 3 (43)	The fusion of calcinated bauxite for the production of artificial corundum.	Permit

3.5 Ceramic production

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 3.6(a)	Schedule 20, Chapter 3 (15)	Manufacturing ceramic products by firing in kilns.	Permit
Part B 3.6(a)	Schedule 26, Chapter 3 (44)	Firing heavy clay goods or refractory goods other than heavy clay goods in a kiln.	Permit
Part B 3.6(b)	Schedule 26, Chapter 3 (45)	Vapour glazing earthenware or clay with salts.	Permit

4. Chemical industries

4.1 Production of organic chemicals

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 4.1(a)	Schedule 20, Chapter 4 (16)(a)	Simple hydrocarbons	Permit
Part A 4.1(b)	Schedule 20, Chapter 4 (16)(b)	Oxygen-containing hydrocarbons	Permit
Part A 4.1(c)	Schedule 20, Chapter 4 (16)(c)	Sulphurous hydrocarbons	Permit
Part A 4.1(d)	Schedule 20, Chapter 4 (16)(d)	Nitrogenous hydrocarbons	Permit
Part A 4.1(e)	Schedule 20, Chapter 4 (16)(e)	Phosphorus-containing hydrocarbons	Permit
Part A 4.1(f)	Schedule 20, Chapter 4 (16)(f)	Halogenic hydrocarbons	Permit
Part A 4.1(g)	Schedule 20, Chapter 4 (16)(g)	Organometallic compounds	Permit
Part A 4.1(h)	Schedule 20, Chapter 4 (16)(h)	Plastic materials	Permit
Part A 4.1(i)	Schedule 20, Chapter 4 (16)(i)	Synthetic rubbers	Permit
Part A 4.1(j) and Part A 6.5	Schedule 20, Chapter 4 (16)(j)	Dyes and pigments	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 4.1(k)	Schedule 20, Chapter 4 (16)(k)	Surface-active agents and surfactants	Permit
Part B 4.1(a)	Schedule 26, Chapter 4 (49)	<p>The carrying out of any activity involving the use in any 12-month period of:</p> <p>(a) 5 tonnes or more of diphenyl methane di-isocyanate or other di-isocyanate of lower volatility than toluene di-isocyanate</p> <p>(b) partly polymerised di-isocyanates or prepolymers containing 5 tonnes or more of di-isocyanate monomers, where the activity may result in a release into the air of such monomers</p>	Permit
Part B 4.1(b)	Schedule 26, Chapter 4 (50)	The flame bonding or cutting with heated wires of polyurethane foams or polyurethane elastomers.	Permit
Part B 4.1(c)	Schedule 26, Chapter 4 (51)(1)	Any activity for the polymerisation or co-polymerisation of any pre-formulated resin or pre-formulated gel coat which contains any styrene, which is likely to involve, in any 12-	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
		month period, the polymerisation or co-polymerisation of 100 tonnes or more of styrene.	
Part B 4.1(d)	Schedule 26, Chapter 4 (51)(2)	Any activity for polymerising or co-polymerising any unsaturated hydrocarbons or a product of an activity listed in Schedule 20 (other than a pre-formulated resin or pre-formulated gel coat which contains any unsaturated hydrocarbons), which is likely to involve, in any 12-month period, the polymerisation or co-polymerisation of 50 tonnes or more of any of those materials or, in aggregate, of any combination of those materials.	Permit

4.2 Production of inorganic chemicals

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 4.2(a)(i)	Schedule 20, Chapter 4 (17)(a)	Inorganic gases.	Permit
Part A 4.2(a)(ii)	Schedule 20, Chapter 4 (17)(b)	Acids.	Permit
Part A 4.2(a)(iii)	Schedule 20, Chapter 4 (17)(c)	Bases.	Permit
Part A 4.2(a)(iv)	Schedule 20, Chapter 4 (17)(d)	Salts.	Permit
Part A 4.2(a)(v)	Schedule 20, Chapter 4 (17)(e)	Non-metals, metal oxides, metal carbonyls or other inorganic compounds.	Permit
Part A 4.2(a)(vi)	Schedule 26, Chapter 4 (48)	Producing halogens or any compound comprising only: (a) two or more halogens (b) any one or more of those halogens and oxygen	Permit
Part A 4.2(b)	Schedule 26, Chapter 4 (52)	Any chemical production process which is likely to result in the release: (a) into the air of any hydrogen halides (other than the coating, plating, or surface treatment of metal)	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
		(b) into the air or water of any halogens or any of the compounds mentioned in paragraph 49 other than the treatment of water with chlorine.	
Part A 4.2(c)	Schedule 26, Chapter 4 (53)	Any production activity which uses, or is likely to result in the release of, hydrogen cyanide or hydrogen sulphide.	Permit
Part A 4.2(d)	Schedule 26, Chapter 4 (54)	Producing any compounds, or using or recovering any mixture, containing any of the following substances or their compounds: (i) antimony (ii) arsenic (iii) beryllium (iv) gallium (v) indium (vi) lead (vii) palladium (viii) platinum	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
		<ul style="list-style-type: none"> (ix) selenium (x) tellurium (xi) thallium (xii) cadmium (xiii) mercury 	
Part A 4.2(e)	Schedule 26, Chapter 4 (58)	Unless falling within any other activity description in this Part, recovering any compound of or engaging in any process of productions which involves the use of cadmium, mercury, or any compound of either of these elements which may result in the release to air of either of these elements or their compounds.	Permit
Part A 4.2(f)	Schedule 26, Chapter 4 (55)	Any other activity which may result in the release into the air of any acid forming oxide of nitrogen.	Permit

4.3 Production of fertilisers, biocides, pharmaceuticals, explosives, manufacture of activities releasing ammonia and bulk storage

Production of other organic chemicals

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 4.3	Schedule 20, Chapter 4 (18)	Production of phosphorous, nitrogen or potassium-based fertilisers.	Permit
Part A 4.4	Schedule 20, Chapter 4 (19)	Production of plant protection products and biocides	Permit
Part A 4.5	Schedule 20, Chapter 4 (20)	Production of pharmaceutical products, including intermediates	Permit
Part A 4.6	Schedule 20, Chapter 4 (21)	Production of explosives	Permit
Part A 4.7	Schedule 26, Chapter 4 (56)	Any activity for the manufacture of a chemical which may result in the release of ammonia into the air other than an activity in which ammonia is only used as a refrigerant.	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 4.8	Schedule 26, Chapter 4 (57)	The storage, other than as part of another activity or in a tank for the time being forming part of a powered vehicle, of any substance listed in column 1 of Table 1, except where the total capacity of tanks used for storage is less than the amount specified in column 2 of the Table.	Permit

5. Waste industry

5.1 Incineration and co-incineration of waste

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 5.1(a) Part A 5.1(b)	Schedule 20, Chapter 5 (23) and Schedule 22	Disposal or recovery of waste in waste incineration plants or in waste co-incineration plants: (a) for non-hazardous waste with a capacity exceeding 3 tonnes per hour (b) for hazardous waste with a capacity exceeding 10 tonnes per day	Permit
Part A 5.1(c)	Schedules 11 and 22	Incineration of biomass waste > 3 tonnes per hour.	Permit
Part A 5.1(d)	Schedules 11 and 22	Incineration of animal carcasses > 10 tonnes per day.	Permit
Part A 5.1(e)	Schedules 11 and 22	Incineration of any gaseous compound containing halogens arising from electrical equipment.	Permit
Part B 5.1(a)	Schedules 11 and 22	Incineration of biomass waste: (i) > 50 kilograms per hour, and (ii) ≤ 3 tonnes per hour	Registration

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part B 5.1(b)	Schedules 11 and 22	Incineration of animal carcasses (i) > 50 kilograms per hour, and (ii) ≤ 10 tonnes per day	Permit
Part B 5.1(c)	Schedule 26, Chapter 4 (60)	Cremation of human remains.	Permit

5.2 Landfill and disposal to land

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 5.2(a) and Part A 5.2(b)	Schedule 20, Chapter 5 (25)	Landfills receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25 000 tonnes, excluding landfills of inert waste.	Permit

5.3 Disposal or recovery of hazardous waste

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 5.3(b)	Schedule 20, Chapter 5 (22)	<p>Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities:</p> <ul style="list-style-type: none"> (a) biological treatment (b) physico-chemical treatment (c) blending or mixing prior to submission to any of the other activities listed in this paragraph and paragraph 23 (d) repackaging prior to submission to any of the other activities listed in this paragraph and paragraph 23 (e) solvent reclamation/regeneration (f) recycling or reclamation of inorganic materials other than metals or metal compounds (g) regeneration of acids or bases (h) recovery of components used for pollution abatement (i) recovery of components from catalysts (j) oil re-refining or other reuses of oil (k) surface impoundment 	Permit

5.4 Disposal, recovery or a mix of disposal or recovery of non-hazardous waste

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 5.4(a)	Schedule 20, Chapter 5 (24)(1)	<p>(1) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities:</p> <ul style="list-style-type: none"> (a) biological treatment (b) physico-chemical treatment (c) pre-treatment of waste for incineration or co-incineration (d) treatment of slags and ashes (e) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components 	Permit
Part A 5.4(b)	Schedule 20, Chapter 5 (24)(2)	<p>(2) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities:</p>	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
		<ul style="list-style-type: none"> (a) biological treatment (b) pre-treatment of waste for incineration or co-incineration (c) treatment of slags and ashes (d) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components 	
Part A 5.4(c)	Schedule 11	Unless a waste incineration or co-incineration plant, the alternative thermal treatment of non-hazardous waste.	Permit

5.5 Production of fuel from waste

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 5.5	Schedules 11 and 22	Making solid fuel from waste using heat.	Permit

5.6 Temporary or underground storage of hazardous waste

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 5.6(a)	Schedule 20, Chapter 5 (26)	Temporary storage of hazardous waste not covered under paragraph 25 pending any of the activities in paragraphs 22, 23, 25, or 26 with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, on the site where the waste is generated.	Permit
Part A 5.6(b)	Schedule 20, Chapter 5 (27)	Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.	Permit

5.7 Treatment of wastewater

Production of fuel from waste

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 5.7	Schedule 20, Chapter 6 (28)(13)	Independently operated treatment of wastewater not covered by Directive 91/271/EEC and discharged by an installation covered by this schedule	Permit

6. Other industrial activities

6.1 Paper, pulp, and panel manufacturing in industrial installation

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 6.1(a) Part A 6.1(b) Part A 6.1(c)	Schedule 20, Chapter 6 (28)(1)	Production in industrial installations of: <ul style="list-style-type: none"> (a) pulp from timber or other fibrous materials (b) paper or cardboard with a production capacity exceeding 20 tonnes per day (c) one or more of the following wood-based panels: oriented strand board, particleboard or fibreboard with a production capacity exceeding 600 m³ per day 	Permit

6.2 Carbon activities

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 6.2	Schedule 20, Chapter 6 (28)(10)	Production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitisation.	Permit

6.3 Tar and bitumen processes

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 6.3 and Part B 6.3(a)	Schedule 26, Chapter 5 (61)(1)	Distilling or heating tar or bitumen in connection with any process of manufacture where the carrying on of the activity by the person concerned at the location in question is likely to use in any 12-month period 5 tonnes or more of tar or of bitumen or, in aggregate, both.	Permit
Part B 6.3(b)	Schedule 26, Chapter 5 (61)(2)	Oxidising bitumen by blowing air through it where the carrying on of the activities by the person concerned at the location in question is likely to use in any 12-month period 5 tonnes or more of tar or of bitumen or, in aggregate, of both.	Permit

6.4 Coating activities, printing, and textile treatments

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 6.4(a)	Schedule 20, Chapter 6 (28)(2)	Pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of textile fibres or textiles where the treatment capacity exceeds 10 tonnes per day.	Permit
Part A 6.4(b)	Schedule 20, Chapter 6 (28)(9)	Surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning, or impregnating, with an organic solvent consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.	Permit
Part B 6.4(a)	Schedule 26, Chapter 5 (64)(1)	Any activity (other than the repainting or respraying of, or of part of, aircraft or road or railway vehicles) for applying to a substrate, or drying or curing after such application, printing ink or paint or any other coating material as, or in the course of, a manufacturing activity, where the activity may result in the release into the air of particulate matter or of any volatile organic compound, and is likely to involve the use in any 12 month period at any location of:	Permit

		<p>(a) 20 tonnes or more of any printing ink, paint or other coating material which is applied in solid form (other than in respect of an activity described in paragraph 2.1(c) of part 4 of Schedule 19)</p> <p>(b) 20 tonnes or more of any metal coating which is sprayed on in molten form</p> <p>(c) 25 tonnes or more of organic solvents in respect of any cold set web offset printing activity or any sheet fed offset litho printing activity</p> <p>(d) 5 tonnes or more of organic solvents in respect of any activity other than one described in sub-paragraph (c)</p>	
Part B 6.4(b)	Schedule 26, Chapter 5 (64)(2)	Repainting or respraying road vehicles or parts of them is likely to involve the use of 2 tonnes or more of organic solvents in any period of 12 months.	Registration
Part B 6.4(c)	Schedule 26, Chapter 5 (64)(3)	<p>Repainting or respraying aircraft or railway vehicles involves the use in 12 months of:</p> <p>(i) ≥ 20 tonnes of solid form coating</p> <p>(ii) ≥ 20 tonnes of metal coating</p> <p>(iii) ≥ 5 tonnes of organic solvent</p>	Permit

6.5 The manufacture of dyestuffs, printing ink and coating material

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 6.5	Schedule 20, Chapter 4 (16)(j)	Production of organic chemicals – dyes and pigments.	Permit
Part B 6.5(a)	Schedule 26, Chapter 5 (65)(4)(a)	Manufacture or formulation of any coating material (such as printing ink) likely to involve the use of 100 tonnes or more of organic solvents in any 12-month period.	Permit
Part B 6.5(b)	Schedule 26, Chapter 5 (65)(4)(b)	Manufacture of a powder for use as a coating material where the installation has capacity to produce 200 tonnes or more of such powder in any 12-month period.	Permit

6.6 Timber activities

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 6.6	Schedule 20, Chapter 6 (28)(12)	Preservation of wood and wood products with chemicals with a production capacity exceeding 75 m ³ per day other than exclusively treating against sapstain.	Permit
Part B 6.6(a & b)	Schedule 26, Chapter 5 (65)	<p>Manufacturing wood products at any works, if the manufacture involves sawing, drilling, sanding, shaping, turning, planing, shredding, curing or chemical treatment of wood and the throughput in 12 months exceeds:</p> <p>(a) 10,000m³ in the case of works at which:</p> <ul style="list-style-type: none"> (i) wood is sawed only, or (ii) any other activities, in addition to sawing, which are unlikely to result in releases to air capable of causing significant harm <p>(b) 1,000m³ in any other case</p>	Registration

6.7 Activities involving rubber

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 6.7	Schedule 26, Chapter 5 (62)	Manufacturing new tyres, other than remoulds or re-treads, involving the use in any 12-month period of 50,000 tonnes or more of one or more of natural rubber, or a synthetic organic elastomer, or any substance mixed with rubber or such an elastomer.	Permit
Part B 6.7(a) And Part B 6.7(b)	Schedule 26, Chapter 5 (63)	The mixing, milling, or blending of natural rubber, or a synthetic organic elastomer, in which carbon black is used and any activity that converts the resulting product into a finished product.	Permit

6.8 Treatment of animal and vegetable matter and food industries

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A 6.8(a)	Schedule 20, Chapter 6 (28)(3)	Tanning of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day.	Permit
Part A 6.8(b)	Schedule 20, Chapter 6 (28)(7)	Disposal or recycling of animal carcasses or animal waste with a treatment capacity exceeding 10 tonnes per day.	Permit
Part A 6.8(c)	Schedule 20, Chapter 6 (28)(4)	Operating slaughterhouses with a carcass production capacity greater than 50 tonnes per day.	Permit
Part A 6.8(d) i, ii (aa/bb), iii (aa/bb)	Schedule 20, Chapter 6 (28)(5)	<p>Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from:</p> <p>(a) only animal raw materials (other than exclusively milk) with a finished product production capacity greater than 75 tonnes per day</p> <p>(b) only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day where the installation</p>	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
		<p>operates for a period of no more than 90 consecutive days in any year.</p> <p>(c) (i) animal and vegetable raw materials, both in combined and separate products, with a finished product production capacity in tonnes per day greater than:</p> <p>(aa) 75 if A is equal to 10 or more</p> <p>(bb) $[300 - (22,5 \times A)]$ in any other case where 'A' is the portion of animal material (in percent of weight) of the finished product production capacity.</p>	
Part A 6.8(e)	Schedule 20, Chapter 6 (28)(6)	Treatment and processing of milk only, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis).	Permit
Part B 6.8(a) i,ii	Schedule 26, Chapter 5 (66)	Processing, storage or drying by heat of any part of a dead animal or of vegetable matter.	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part B 6.8(b)	Schedule 26, Chapter 5 (67)	Breeding maggots in any case where 5 kilograms or more of animal or of vegetable matter or, in aggregate, of both are introduced into the process in any week.	Permit
Part B 6.8(c)	Schedule 26, Chapter 5 (68)	The ensiling or storage of dead fish or fish offal with retaining volumes of: (i) $\leq 10\text{m}^3$ of ensiled liquor, (ii) $> 10\text{m}^3$ and $\leq 50\text{m}^3$ of ensiled liquor, or (iii) $> 50\text{m}^3$ of ensiled liquor.	Registration
Part B 6.8(d)	Schedule 26, Chapter 5 (69)	Treating and processing of dry vegetable or dry vegetable and animal matter intended for production of animal food	Permit

6.9 Intensive farming

Intensive agriculture activities

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A, 6.9	Schedule 20, Chapter 6 (28)(8)	Intensive rearing of poultry or pigs: <ul style="list-style-type: none"> <li data-bbox="907 587 1563 624">(a) with more than 40,000 places for poultry <li data-bbox="907 651 1666 743">(b) with more than 2,000 places for production pigs (over 30 kg) <li data-bbox="907 770 1496 807">(c) with more than 750 places for sows 	Permit

6.10 Carbon capture

Carbon capture activities

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Part A, 6.10	Schedule 20, Chapter 6 (28)(11)	Capture of CO ₂ streams from industrial emissions activities for the purposes of geological storage pursuant to Directive 2009/31/EC.	Permit
N/A New activity	Schedule 26, Chapter 5 (70)	Capture of CO ₂ : (i) not related to any activity described in para 28(11) of Schedule 20 for geological storage (ii) for non-geological storage or utilisation using direct capture/mechanical separation mechanisms	Registration
N/A New activity	Schedule 26, Chapter 5 (7)	Capture of CO ₂ : (i) not related to any activity described in para 28(11) of Schedule 20 for geological storage (ii) for non-geological storage or utilisation using mechanisms such as chemical/physical absorption	Permit

6.11 Anaerobic digestion: Non-waste anaerobic digestion activities

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
N/A New activity	Schedule 26, Chapter 5 (71)	Anaerobic digestion at an installation with a capacity exceeding 100 tonnes per day unless carried out as part of an activity included in Chapter 5 of Schedule 20.	Permit
N/A New activity	Schedule 26, Chapter 5 (71)	Anaerobic digestion at an installation with a capacity below 100 tonnes per day unless carried out as part of an activity included in Chapter 5 of Schedule 20.	Registration

7. Solvent activities

7.1 Operating a solvents installation

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Schedule 2 (1)	Schedule 23 (2)(1)	Heatset web offset printing Above 15 (tonnes/year)	Permit
Schedule 2 (2)	Schedule 23 (2)(2)	Publication rotogravure Above 25 (tonnes/year)	Permit
Schedule 2 (3)	Schedule 23 (2)(3) (a)	Other rotogravure, flexography, rotary screen printing, laminating or varnishing Greater than 15 (tonnes/year)	Permit
Schedule 2 (4)	Schedule 23 (2)(3) (b)	Rotary screen printing on textiles or cardboard Above 30 (tonnes/year)	Permit
Schedule 2 (5)	Schedule 23 (2)(4)	Surface cleaning using substances that are: (a) volatile organic compounds assigned, or that need to carry, one or more of the hazard statements H340, H350, H350i, H360D or H360F	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
		(b) halogenated volatile organic compounds are assigned, or that need to carry, either of the hazard statements H341 or H351. Above 1 (tonnes/year)	
Schedule 2 (6)	Schedule 23 (2)(5)	Other surface cleaning Above 2 (tonnes/year)	Permit
Schedule 2 (7)	Schedule 23 (2)(6)	Vehicle coating and vehicle refinishing Above 0.5 (tonnes/year)	Permit
Schedule 2 (8)	Schedule 23 (2)(7)	Coil coating Above 25 (tonnes/year)	Permit
Schedule 2 (9)	Schedule 23 (2)(8)	Other coating activities, including metal, plastic, textiles (except rotary screen printing on textiles), fabric, film, and paper coating Above 5 (tonnes/year)	Permit
Schedule 2 (10)	Schedule 23 (2)(9)	Winding wire coating Above 5 (tonnes/year)	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Schedule 2 (11)	Schedule 23 (2)(10)	Coating activity applied to wooden surfaces Above 15 (tonnes/year)	Permit
Schedule 2 (12)	Schedule 23 (2)(11)	Dry cleaning-applies to all dry cleaning	Registration
Schedule 2 (13)	Schedule 23 (2)(12)	Wood impregnation Above 25 (tonnes/year)	Permit
Schedule 2 (14)	Schedule 23 (2)(13)	Coating activity applied to leather Above 10 (tonnes/year)	Permit
Schedule 2 (15)	Schedule 23 (2)(14)	Footwear manufacture Above 5 (tonnes/year)	Permit
Schedule 2 (16)	Schedule 23 (2)(15)	Wood and plastic lamination Above 5 (tonnes/year)	Permit
Schedule 2 (17)	Schedule 23 (2)(16)	Adhesive coating Above 5 (tonnes/year)	Permit

Current PPC reference	Proposed new EASR reference	Activity description	Type of authorisation proposed by SEPA
Schedule 2 (18)	Schedule 23 (2)(17)	Manufacture of coating mixtures, varnishes, inks, and adhesives Above 100 (tonnes/year).	Permit
Schedule 2 (19)	Schedule 23 (2)(18)	Rubber conversion Above 15 (tonnes/year).	Permit
Schedule 2 (20)	Schedule 23 (2)(19)	Vegetable oil and animal fat extraction and vegetable oil refining activities Above 10 (tonnes/year).	Permit
Schedule 2 (21)	Schedule 23 (2) (20)	Manufacturing of pharmaceutical products Above 50 (tonnes/year).	Permit

END