Draft Regulations laid before Parliament under section 2(8) and (9)(d) of the Pollution Prevention and Control Act 1999 for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No. 0000

ENVIRONMENTAL PROTECTION

The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018

Made - - - - ***

Coming into force in accordance with regulation 1

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The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 2(1) to (3) and 7(9) of, and paragraphs 1 to 9, 10 to 19 and 20(1) of Schedule 1 to, the Pollution Prevention and Control Act 1999(**a**), having consulted the persons required to be consulted by section 2(4) of that Act.

In accordance with section 2(8) and (9)(d) of that Act, a draft of the instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 and come into force 21 days after the day on which they are made.

Amendment of the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013

2. The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013(**b**) are amended as follows.

Amendment of regulation 2 (interpretation)

3. In regulation 2(1)—

(a) insert the following definitions in the appropriate places—

""the MCPD" means Directive 2015/2193/EU of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants(**c**);";

""Annex 1" means Annex I of the MCPD;";

""Annex 2" means Annex II of the MCPD;";

""Annex 3" means Annex III of the MCPD;";

(**a**) 1999 c.24. Directive 2015/2193/EU and Directive 2010/75/EU have been designated as relevant directives for the purposes of paragraph 20(1)(b) by S.I. 2018/487 and S.I. 2013/669.
(**b**) S.I. 2013/971, which was amended by S.I. 2016/912.
(**c**) OJ No L 313, 28.11.2015, p. 1–19.

““combustion plant” means any technical apparatus in which fuels are oxidised in order to use the heat generated;”;

““diesel engine” means an internal combustion engine which operates according to the Diesel cycle and uses compression ignition to burn fuel;”;

““dust” means particles, of any shape, structure or density, dispersed in the gas phase at the sampling point which may be collected by filtration after representative sampling of the gas to be analysed, and which remain on the filter after drying;”;

““existing medium combustion plant” means a medium combustion plant—

(a) put into operation before 20 December 2018; or

(b) for which a permit was granted before 19 December 2017, provided that the plant is put into operation no later than 20 December 2018;”;

““gas engine” means an internal combustion engine which operates according to the Otto cycle and which uses spark ignition to burn fuel;”;

““gas turbine” means any rotating machine which converts thermal energy into mechanical work, consisting mainly of a compressor (a thermal device in which fuel is oxidised in order to heat the working fluid) and a turbine (including both open cycle and combined cycle gas turbines, and gas turbines in cogeneration mode, all with or without supplementary firing);”;

““large combustion installation” means—

(a) a relevant platform; or

(b) a complex of relevant platforms permanently inter-connected by bridges,

equipped with an offshore combustion plant which on its own or aggregated together with any other combustion plant on the same platform or complex has a rated thermal input which is equal to or greater than 50 megawatts;”;

““large combustion plant” means an offshore combustion plant with a rated thermal input equal to or greater than 50 megawatts, but does not include gas turbines and gas engines;”;

““medium combustion installation” means—

(a) a relevant platform; or

(b) a complex of relevant platforms permanently inter-connected by bridges,

which is not a large combustion installation and which is equipped with an offshore combustion plant that has a rated thermal input which is equal to or greater than 1 megawatt and less than 50 megawatts;”;

““medium combustion plant” means, subject to regulation 2A, an offshore combustion plant with a rated thermal input which is equal to or greater than 1 megawatt and less than 50 megawatts, but does not include—

(a) gas turbines, gas engines and diesel engines; or

(b) combustion plant in which gaseous products of combustion are used for the direct heating, drying or any other treatment of objects or materials;”;

““new medium combustion plant” means a medium combustion plant other than an existing medium combustion plant;”;

““NOx” means nitric oxide and nitrogen dioxide;”;

““offshore combustion plant” means a combustion plant which is permanently installed on a relevant platform or complex of relevant platforms permanently inter-connected by bridges;”;

““operating hours” means the time, expressed in hours, during which a medium combustion plant is operating and discharging emissions into the air, excluding start-up and shut-down periods;”;

““relevant date” means—

(a) 20th December 2018, in relation to an offshore combustion installation equipped with new medium combustion plant;

(b) 1st January 2024, in relation to an offshore combustion installation equipped with an existing medium combustion plant with a rated thermal input greater than 5 megawatts;

(c) 1st January 2029, in relation to an offshore combustion installation equipped with an existing medium combustion plant with a rated thermal input of not more than 5 megawatts;";

""secondary abatement" has the same meaning as it has in Article 7(4) of the MCPD;";

(b) omit the definition of "medium";

(c) for the definition of "combustion installation" substitute—

""combustion installation" means a relevant platform, or a complex of relevant platforms permanently inter-connected by bridges, equipped with offshore combustion plant;";

(d) for the definition of "EIA Directive" substitute—

""EIA Directive" means Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment(**a**), as amended by Directive 2014/52/EU of the European Parliament and of the Council(**b**);";

(e) for the definition of "emission" substitute—

""emission" means—

(a) in relation to a large combustion installation, the direct or indirect release of a pollutant listed in Schedule 2 from individual or diffuse sources in the installation into the air or water;

(b) in relation to a medium combustion plant, the discharge of substances from a medium combustion plant into the air;";

(f) for the definition of "emission limit value" substitute—

""emission limit value" means—

(a) in relation to a large combustion installation, the mass, concentration or level of an emission, which may not be exceeded during one or more periods of time;

(b) in relation to a medium combustion plant, the permissible quantity of a substance contained in the waste gases from the combustion plant which may be discharged into the air during a given period;";

(g) in the definition of "gas storage or unloading platform", after "fixed or floating structure" insert "situated in the relevant gas area";

(h) for the definition of "offshore combustion installation" substitute—

""offshore combustion installation" means a medium combustion installation or a large combustion installation;";

(i) in the definition of "petroleum platform" after "fixed or floating structure" insert "situated in the offshore area and".

New regulation 2A - aggregation

4. After regulation 2, insert—

(**a**) OJ No L 26, 28.1.2012, p.1.
(**b**) OJ No L 124, 25.4.2014, p.1. See Article 4(3) of Directive 2011/92/EU as substituted by Article 1(4)(a) of Directive 2014/52/EU.

"**Aggregation**

2A.—(1) For the purpose of these Regulations, two or more new medium combustion plant must be treated as a single medium combustion plant ("the combined plant"), and their rated thermal input added together for the purpose of calculating the total rated thermal input of the combined plant, where—

(a) the waste gases of the combined plant are discharged through a common stack; or

(b) taking into account technical and economic factors, the waste gases of the combined plant could, in the opinion of the Secretary of State, be discharged through a common stack.

(2) Paragraph (1) applies regardless of whether the total rated thermal input of the combined plant is equal to or greater than 50 megawatts, unless Chapter III of the 2010 Directive applies to the combined plant.".

Substitution of regulation 3 (requirement for permits)

5. For regulation 3, substitute—

"**Permits**

3.—(1) Subject to paragraph (2), a person must not operate an offshore combustion installation—

(a) without a permit; and

(b) otherwise than in accordance with the conditions in that permit.

(2) Where a permit has yet to be granted in respect of an offshore combustion installation which is equipped with a medium combustion plant, paragraph (1) applies from the relevant date.

(3) A person must apply for a permit in writing to the Secretary of State.".

Amendment of regulation 4 (applications for permits)

6. In regulation 4—

(a) in the heading, after "permits" insert ": large combustion installations";

(b) omit paragraph (1);

(c) in paragraphs (2) and (3), for "An application must", substitute "Where an application for a permit relates to the operation of a large combustion installation, the application must";

(d) for paragraph (2)(b) substitute "the relevant platform comprising the installation".

New Regulation 4A (applications for permits: medium combustion plant)

7. After regulation 4, insert—

"**Applications for permits: medium combustion plant**

4A. Where an application for a permit relates to the operation of a medium combustion plant an application must include the information listed at Annex 1.".

Amendment of regulation 5 (making applications publicly available)

8. In regulation 5—

(a) in the heading, after "available" insert ": large combustion installations";

(b) in paragraph (1), after "for a permit" insert "that relates to the operation of a large combustion installation".

Amendment of regulation 6 (applications for permits and variation of permits: effects on the environment of other member States)

9. In regulation 6—

(a) in the heading, after "variation of permits" insert "for large combustion installations";

(b) in paragraph (1), in both places it occurs, for "an offshore combustion installation" substitute "a large combustion installation".

Amendment of regulation 7 (determining applications)

10. In regulation 7—

(a) in the heading, after "applications" insert ": large combustion installations";

(b) in paragraphs (1), after "permit" insert "for the operation of a large combustion installation";

(c) in paragraph (2)—

(i) after "permit" insert "for the operation of a large combustion installation";

(ii) for "offshore combustion installation" substitute "large combustion installation";

(d) in the first place it occurs in paragraph (3), for "offshore combustion installation" substitute "large combustion installation";

(e) in paragraph (3)(g)(i), for "offshore combustion installation" substitute "combustion plant".

New regulation 7A (determining applications: medium combustion plant)

11. After regulation 7, insert—

"**Determining applications: medium combustion plant**

7A. Where the Secretary of State receives a duly-made application for a permit that relates to a medium combustion plant but does not relate to a large combustion installation, the Secretary of State must—

(a) start the procedure for determining the application within one month of the operator providing the information referred to in regulation 4A; and

(b) inform the operator when the procedure has started.".

Amendment of regulation 8 (granting and refusal of applications)

12. In regulation 8—

(a) in the heading, after "applications" insert ": large combustion installations";

(b) at the start of paragraph (1), insert "Where an applicant has applied for a permit which relates to a large combustion installation".

New regulation 8A (granting and refusal of applications: medium combustion plant)

13. After regulation 8, insert—

"**Granting and refusal of applications: medium combustion plant**

8A. Where the Secretary of State receives an application for a permit that relates to a medium combustion plant, the Secretary of State must give notice to the applicant of the decision to grant a permit or to refuse an application, together with reasons for the decision.
".

Amendment of regulation 9 (conditions in permits)

14. In regulation 9—

(a) in the heading, after "permits" insert ": large combustion installations";

(b) in paragraph (1)

(i) in sub-paragraph (a), after "permit" insert "that relates to a large combustion installation";

(ii) in sub-paragraph (b), after "conditions" insert "regarding a large combustion installation";

(c) in paragraph (2), in each place where it occurs, for "offshore combustion installation" substitute "large combustion installation";

(d) omit paragraph (3).

New regulations 9A and 9B (conditions in permits)

15. After regulation 9, insert—

"**Conditions in permits: medium combustion plant**

9A.—(1) Where a permit relates to a medium combustion plant, the Secretary of State must set conditions in a permit to secure the matters in paragraph (2).

(2) The matters referred to in paragraph (1) are that—

(a) the operator carries out monitoring of emissions in accordance with, as a minimum, Part 1 of Annex 3;

(b) the operator monitors emissions while firing a fuel or fuel mix that is likely to result in the highest level of emissions and during a period representing normal operating conditions;

(c) the emissions do not exceed the emission limit values set out in Annex 2;

(d) the operator keeps a record of and processes all monitoring results in such a way as to enable the verification of compliance with the emission limit values in accordance with Part 2 of Annex 3;

(e) for medium combustion plant using secondary abatement equipment in order to meet the emission limit values for the medium combustion plant, the operator keeps a record of, or information proving, the effective continuous operation of that equipment;

(f) the operator keeps a copy of the permit and, if relevant, any varied permit and related information;

(g) the operator keeps the following for a period of at least six years from the date the result, information or record was created—

(i) the monitoring results and information referred to in sub-paragraphs (d) and (e);

(ii) where applicable, a record of operating hours as referred to in regulations 11C and 11D;

(iii) a record of the type and quantities of fuels used in the plant and of any malfunctions or breakdown of secondary abatement equipment; and

(iv) a record of the events of non-compliance with the emission limit values and the measures taken to address that non-compliance;

(h) there are suitable reporting requirements, which include the provision of the results of emission monitoring and such other data which enables the Secretary of State to verify compliance with the permit;

(i) the operator, without undue delay, makes available the data and information described in sub-paragraphs (f) and (g) to the Secretary of State upon request;

(j) the operator keeps the periods of start-up and shut-down of the medium combustion plant as short as possible;

(k) in respect of any breach of the conditions in a permit, the operator as soon as possible informs the Secretary of State and takes the necessary measures to restore compliance; and

(l) where any breach of the conditions in a permit causes a significant degradation of local air quality, the operator suspends operation of the medium combustion plant until compliance is restored.

Conditions in permits: large and medium combustion plant

9B. The Secretary of State—

(a) must include conditions in a permit which enable the Secretary of State to assess compliance with any relevant emission limit values; and

(b) may include such other conditions in a permit as the Secretary of State thinks fit.".

Amendment of regulation 10 (emission limit values)

16. In regulation 10—

(a) in the heading, after "values" insert ": large combustion installations";

(b) in paragraph (2)—

(i) in sub-paragraph (a)(i), for "relevant platform where the offshore combustion installation is installed" substitute "large combustion installation";

(ii) in sub-paragraph (a)(ii), for "offshore combustion installation" substitute "large combustion installation".

Amendment of regulation 11 (greenhouse gases)

17. In regulation 11—

(a) in the heading, after "gases" insert ": large combustion installations";

(b) after "permit" insert "which relates to the operation of a large combustion installation".

New regulations 11A to 11G

18. After regulation 11, insert—

"Industrial Emissions Directive: large combustion plant

11A. Where a permit relates to a large combustion plant, the Secretary of State must exercise the Secretary of State's functions under these Regulations so as to ensure compliance with the following provisions of the 2010 Directive—

(a) Article 29;

(b) Article 30(1) and 30(3) to (8);

(c) Article 37;

(d) Article 38;

(e) Article 39;

(f) Article 40(1).

Emission limit values: medium combustion plant

11B.—(1) Paragraphs (2) to (4) apply subject to regulations 11C to 11G.

(2) From 20th December 2018, emissions into the air of sulphur dioxide, NOx and dust from a new medium combustion plant must not exceed the emission limit values set out in Part 2 of Annex 2.

(3) From 1st January 2025, emissions into the air of sulphur dioxide, NOx and dust from an existing medium combustion plant with a rated thermal input greater than 5 megawatts must not exceed the emission limit values set out in Tables 2 and 3 of Part 1 of Annex 2.

(4) From 1st January 2030, emissions into the air of sulphur dioxide, NOx and dust from an existing medium combustion plant with a rated thermal input of 5 megawatts or less must not exceed the emission limit values set out in Tables 1 and 3 of Part 1 of Annex 2.

Limited operating hours – existing medium combustion plant

11C.—(1) An existing medium combustion plant which operates for no more than 500 operating hours per year, as a rolling average over a period of five years, is not required to comply with the emission limit values set out in Part 1 of Annex 2 during that period of five years, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex 1 before the start of that period of five years.

(2) An existing medium combustion plant which operates for no more than 1,000 operating hours per year, as a rolling average over a period of five years, is not required to comply with the emission limit values set out in Part 1 of Annex 2 where it operates to produce heat in cases of exceptionally cold weather events during that period of five years, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex 1 before the start of that period of five years.

Limited operating hours: new medium combustion plant

11D. A new medium combustion plant which operates for no more than 500 operating hours per year, as a rolling average over a period of three years, is not required to comply with the emission limit values set out in Part 2 of Annex 2 during that period of three years, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex 1 before the start of that period of three years.

Temporary derogations: medium combustion plant

11E.—(1) This paragraph applies in relation to a medium combustion plant which normally uses low sulphur fuel where—

(a) the operator is unable to comply with the relevant emission limit values for sulphur dioxide in regulation 11B, because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage; and

(b) the operator requests a temporary derogation from the requirement to comply with those emission limit values.

(2) Where paragraph (1) applies, the Secretary of State may grant a derogation from the obligation to comply with the emission limit values for a maximum of six months.

(3) This paragraph applies in relation to a medium combustion plant using only gaseous fuel where—

(a) the installation has to resort exceptionally to the use of other fuels because of an interruption in the supply of gas resulting from a serious shortage; and

(b) the installation would need to be equipped with secondary abatement equipment in order to comply with those emissions limit values.

(4) Where paragraph (3) applies, the Secretary of State may grant a derogation from the obligation to comply with the relevant emissions limit values in regulation 11B—

(a) for a maximum of 10 days; or

(b) for such longer period as the operator satisfies the Secretary of State is justified under the circumstances.

Simultaneous use of fuels: medium combustion plant

11F. Where a medium combustion plant simultaneously uses two or more fuels, the emission limit value for each pollutant must be calculated by—

(a) taking the emission limit value relevant for each individual fuel as set out in Annex 2;

(b) determining the fuel-weighted emission limit value, which is obtained by multiplying the individual emission limit value referred to in paragraph (a) by the thermal input delivered by each fuel, and dividing the product of multiplication by the sum of the thermal inputs delivered by all fuels; and

(c) aggregating the fuel-weighted emission limit values.

Emission limit values: compliance

11G. The emission limit values shall be regarded as having been complied with if the results of monitoring conducted in accordance with the conditions of the permit show that the emissions for the combustion installation and the pollutant concerned do not exceed the emission limit value which applies in respect of that installation and that pollutant.".

Amendment of regulation 12 (variation of operation of offshore combustion installations)

19. In regulation 12—

(a) in the heading, for "offshore combustion installations" substitute "large combustion installations";

(b) in paragraph (1) and (7), for "an offshore combustion installation" substitute "a large combustion installation";

(c) in paragraph (3)(a), for "the offshore combustion installation" substitute "the large combustion installation"

New regulations 12A and 12B (variation of existing permits and variation of operation)

20. After regulation 12, insert—

"Variation of existing permits: medium combustion plant

12A. In any case where there is a permit granted before the relevant date which relates to a medium combustion plant, the Secretary of State must—

(a) review the permit before the relevant date; and

(b) if necessary, vary the permit to ensure that it complies with the relevant requirements of regulation 9A on the relevant date.

Variation of operation of medium combustion plant

12B.—(1) Where an operator proposes to vary ("the proposed variation") the operation of a medium combustion plant, the operator must—

(a) give notice to the Secretary of State of the proposed variation; and

(b) supply such information as the Secretary of State requests in order that the Secretary of State may consider whether or not to approve the variation and what, if any, variation of the permit may be required.

(2) The operator must not put into effect the proposed variation unless and until the operator receives a notice under paragraph (3) approving the variation.

(3) The Secretary of State must, as soon as possible after the notice under paragraph (1) is received, give notice to the operator—

(a) approving the proposed variation, together with any varied conditions in the permit; or

(b) refusing the proposed variation, together with reasons for that decision.

(4) Subject to regulation 9A(1), where the Secretary of State approves a proposed variation, the conditions in the permit may be varied as the Secretary of State thinks fit.".

Amendment of regulation 13 (review of permits)

21. In regulation 13—

(a) in the heading, after "permits" insert ": large combustion installations";

(b) in paragraph (1), after "permit" insert "that relates to the operation of a large combustion installation";

(c) in paragraph (2), in the first place where it occurs, after "permit" insert "that relates to the operation of a large combustion installation";

(d) in paragraph (4)(a) for "offshore combustion installations" substitute "large combustion installations";

(e) in each place where it occurs, for "offshore combustion installation" substitute "large combustion installation".

Amendment of regulation 14 (variation of conditions in permits following a review except further to regulation 13(2)(c))

22. In regulation 14—

(a) in the heading, after "permits" insert "for large combustion installations";

(b) in paragraph (1), after "permit" insert "which relates to the operation of a large combustion installation".

Amendment of regulation 15 (variation of conditions in permits following a review further to regulation 13(2)(c)

23. In regulation 15—

(a) in the heading, after "permits" insert "for large combustion installations";

(b) in paragraph (1), after "permit" insert "which relates to the operation of a large combustion installation".

New regulation 15A (review of permits: medium combustion plant)

24. After regulation 15, insert—

"**Review of permits: medium combustion plant**

15A.—(1) The Secretary of State may at any time review the conditions of a permit which relates to the operation of a medium combustion plant.

(2) An operator must provide, without undue delay, to the Secretary of State such information as the Secretary of State requests which may be needed to review the conditions of a permit.".

Amendment of regulation 16 (revocation)

25. In regulation 16(3), before "The Secretary of State" insert "Where the permit relates to the operation of a large combustion installation".

Amendment of regulation 17 (surrenders)

26. In regulation 17(4), before "The Secretary of State" insert "Where the permit relates to the operation of a large combustion installation".

Amendment of regulation 18 (assignments)

27. In regulation 18(4), before "The Secretary of State" insert "Where the permit relates to the operation of a large combustion installation";

Amendment of regulation 20 (transboundary projects in other member States)

28. In regulation 20(1), before "combustion installation" insert "large".

Amendment of regulation 21 (register)

29. In regulation 21—

(a) in the heading, after "Register" insert "of large combustion installations".

(b) in paragraph (1)—

(i) after "must maintain a register", insert "of large combustion installations";

(ii) omit sub-paragraph (e);

(iii) in sub-paragraph (f), after "regulation 12(4)" insert ", together with the proposed variation to which a notice relates".

New regulation 21A (register of medium combustion plant)

30. After regulation 21, insert—

"**Register of medium combustion plant**

21A.—(1) The Secretary of State must maintain a register of medium combustion plant which includes—

(a) in relation to each medium combustion plant in the register, the information listed in Annex 1; and

(b) information on variations to the medium combustion plant that affect the applicable emission limit values.

(2) The register maintained under paragraph (1) must be kept up to date at reasonable intervals and it, or copies of it, must be made readily accessible to the public, including via the internet.".

Amendment of regulation 22 (fees)

31. In regulation 22—

(a) in paragraph (1)(a)(i), after "regulation 4" insert "or 4A";

(b) in paragraph (1)(a)(ii), after "regulation 12" insert "or 12B";

(c) in paragraph (1)(c)—

(i) before paragraph (i) insert—

"(ai) a variation under regulation 12A;";

(ii) after “regulation 13” insert “or 15A”;

(d) at the end of paragraph (1), insert—

“(d) the provision of advice in respect of—

(i) an application or potential application for a permit under regulation 4 or 4A;

(ii) an application or potential application for a variation under regulation 12 or 12B;

(iii) a variation under regulation 12A;

(iv) a variation of the conditions of a permit further to a review under regulation 13 or 15A;

(v) a surrender offer;

(vi) an application or potential application for assignment under regulation 18;

(vii) a revocation of a permit;

(viii) a test or analysis of a substance;

(ix) a verification of the validity of, or the results of, a test or analysis of a substance;

(x) an assessment of the effect upon the environment of the operation of an offshore combustion installation.”;

(e) in paragraph (5)—

(i) after “paragraph (1)(c)(iii) to (v)” insert “and (d)(viii) to (x)”;

(ii) after “regulation 4” insert “or 4A”; and

(iii) after “regulation 12” insert “or 12B”.

Amendment of regulation 23 (information notices and reporting)

32. In regulation 23—

(a) in paragraph (1)(b), after “the 2010 Directive” insert “and the MCPD”;

(b) after paragraph (3), insert—

“(4) Where a member of the public requests access to data and information listed in regulation 9A(2)(e) and (f), the Secretary of State must make a request for that data or information.”.

Amendment of regulation 25 (powers of inspectors)

33. In regulation 25(d), for “or record”, substitute “and record”.

Amendment of regulation 27 (environmental inspection plans and programmes)

34. In regulation 27—

(a) in the heading, after “programmes” insert “: large combustion installations”;

(b) in paragraph (1) for “an offshore combustion installation” substitute “a large combustion installation”;

(c) in paragraph (2)(c), for “offshore combustion installations” substitute “large combustion installations”.

Amendment of regulation 28 (inspections)

35. In regulation 28—

(a) in the heading, after “inspections” insert “: large combustion installations”;

(b) in paragraphs (1), (2) and (5), for "offshore combustion installations" substitute "large combustion installations";

(c) in paragraph (3) for "an offshore combustion installation" substitute "a large combustion installation";

(d) in paragraph (4), in both places where it occurs, for "the offshore combustion installation" substitute "the large combustion installation".

Amendment of regulation 29 (reports further to inspections)

36. In regulation 29—

(a) in the heading, after "inspections" insert ": large combustion installations";

(b) in paragraph (1), for "an offshore combustion installation" substitute "a large combustion installation".

Amendment of regulation 33 (appeals)

37. In regulation 33(1)—

(a) in sub-paragraph (a) after "applications" insert "for permits of large combustion installations";

(b) after sub-paragraph (a), insert—

"(aa) regulation 8A (granting and refusal of applications for permits for medium combustion plant);";

(c) in sub-paragraph (b), for "offshore combustion installations" substitute "large combustion installations";

(d) after sub-paragraph (b), insert—

"(ba) regulation 12B(3) (variation of operation of medium combustion plant);";

(e) in sub-paragraph (c) before "permits" insert "large combustion installation".

Name
Minister of State
Date Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 ("the PPC Regulations") to transpose obligations in Directive (EU) 2015/2193 of the European Parliament and the Council of 25 November 2015 on the emissions of certain pollutants ("the MCPD") and in Part III of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast) ("the IED"), insofar as those obligations apply to offshore combustion installations.

Amendment of Part 1 of the PPC Regulations

Regulation 3 inserts new definitions and amends certain existing definitions. Regulation 4 provides that two or more medium combustion plant must be treated as a single medium combustion plant in certain circumstances.

Amendment of Part 2 of the PPC Regulations

Regulation 5 provides that no medium combustion plant brought into operation after 20th December 2018 can operate without a permit. In relation to plant already in operation as at that date, those with a rated thermal input above 5 megawatts are brought within the permitting regime from 1st January 2024, and those with a rated thermal input of 1 to 5 megawatts are brought

within the permitting regime from 1st January 2029. The amendments require medium combustion plant to comply with emission limit values for sulphur dioxide, nitrogen oxides and dust, subject to specified exceptions.

Regulation 7 provides that an application for a permit for a medium combustion plant must include certain information.

Regulation 15 provides that conditions must be set in a permit for a medium combustion plant to secure certain specified matters and to assess compliance with relevant emission limit values. The Secretary of State may also include such other conditions as the Secretary of State thinks fit.

Regulations 6, 8, 9, 10, 12, 14, 16 and 17 amend existing provisions so that they apply only to large combustion installations.

Regulation 18 inserts new provisions to secure compliance with the IED by large combustion plant, set emission limit values for medium combustion plant and make provision in respect of exceptions, temporary derogations, the simultaneous use of fuels and compliance.

Amendment of Part 3 of the PPC Regulations

Regulations 19, 21 and 22 make further amendments to existing provisions relating to the variation of operations and variation and review of permits so that they apply only to large combustion installations.

Regulations 20 and 23 insert new provisions for the variation of operations and variation and review of permits for medium combustion plant.

Amendment of Part 4 of the PPC Regulations

Regulations 24 to 26 amend certain provisions in order to limit their application to large combustion installations only.

Amendment of Part 5 of the PPC Regulations

Regulations 27 and 28 amend certain provisions in order to limit their application to large combustion installations only.

Regulation 29 inserts provision for a register of medium combustion plant.

Regulation 30 makes provision for further fees to be charged in relation to certain activities.

Regulation 31 amends provision in relation to information notices and reporting.

Amendment of Part 6 of the PPC Regulations

Regulations 32 to 36 make amendments in order to limit the application of certain provisions to large combustion installations only.

An assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is published alongside these Regulations, together with a Transposition Note setting out how the MCPD and Part III of the IED are transposed in these Regulations, on www.legislation.gov.uk and is available from the Department for Business, Energy and Industrial Strategy at 1 Victoria Street, London, SW1H 0ET.

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