
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pollution Prevention and Control (Scotland) Regulations 2012 (“the principal Regulations”).

They transpose Article 14(5) to (8) of Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency (“the Energy Efficiency Directive”), and otherwise amend the principal Regulations.

Regulation 7 further transposes Article 7 of Directive 2010/75 of the European Parliament and of the Council on industrial emissions (OJ L 334, 17.12.2010, p.17). It has the effect that SEPA must include in any new permit authorising the operation of a solvents installation a condition requiring the operator of the installation to notify SEPA of any incident or accident significantly affecting the environment.

Regulation 9 provides for it to be offence to carry out a substantial refurbishment on an installation to which new Schedule 1A of the principal Regulations applies except as authorised by a permit, and for penalties in that respect.

Regulation 10 inserts a new activity into Part B of Section 1.1 of Schedule 1 to the principal Regulations, namely the burning of any fuel in a combination of appliances with a total rated thermal input of more than 20 megawatts and less than 50 megawatts, which has the effect that the principal Regulations will apply to all the types of combustion activity at installations as required by the Energy Efficiency Directive.

Regulation 11 and the Schedule insert a new Schedule 1A into the principal Regulations. The new Schedule applies to specified installations (paragraphs 1 to 3), provides for a cost-benefit analysis to be carried out for the purposes of the Energy Efficiency Directive (paragraphs 4 to 11), for conditions to be included in a permit where the cost-benefit analysis shows that waste heat from an installation can be utilised in accordance with that Directive (paragraphs 12 to 17), and for the definition of terms used in the new Schedule (paragraph 18).

Regulation 13 substitutes an amended paragraph 4(1) of Schedule 7 to the principal Regulations, and has the further effect that provisions on notification and advertisement of proposed variations in that paragraph do not apply where an application for variation if granted will not authorise a substantial change in operation (as defined in regulation 2(1) of the principal Regulations).

These Regulations also make miscellaneous changes to the principal Regulations to correct minor errors.

A Business and Regulatory Impact Assessment has been prepared, and placed in the Scottish Parliament Information Centre. A copy can be obtained from the Environmental Quality Division, Scottish Government, Victoria Quay, Edinburgh EH6 6QQ.