

## SCHEDULE

Regulation 13

Schedule to be inserted as Schedule 13A to the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

### Commencement Information

**II** Sch. in operation at 10.12.2014, see [reg. 1](#)

## “SCHEDULE 13A

Regulation 7

### ENERGY EFFICIENCY DIRECTIVE

#### Application

1. This Schedule applies to every installation or mobile plant to which Article 14(5) of the Energy Efficiency Directive applies.

#### Interpretation

2. In this Schedule—

“economically justified demand” means demand that does not exceed the needs for heating or cooling and which would otherwise be satisfied at market conditions by energy generation processes other than cogeneration;

“electricity from cogeneration” means electricity generated in a process linked to the production of useful heat and calculated in accordance with the methodology laid down in Annex II of the Energy Efficiency Directive;

“substantial refurbishment” means a refurbishment whose cost exceeds 50% of the investment cost for a new comparable unit, but the fitting of equipment to carry out the activity falling within head (a) of Part A of section 6.10 of Part 1 of Schedule 1 shall not be considered as refurbishment for the purposes of paragraphs 4, 7 and 10 of this Schedule; and

“unit” means any boilers, furnaces, kilns, turbines or engines forming part of an installation which added together have a rated thermal input of more than 20 megawatts.

#### Cost-benefit analysis

3. An application to an enforcing authority under regulation 10 for a permit to operate a new installation, carrying out an activity with a total net thermal input exceeding 20 megawatts and generating electricity must be accompanied by a cost-benefit analysis that assesses the costs and benefits of operating the installation or converting the installation to operate as a high-efficiency cogeneration installation.

4. An operator of an installation, carrying out an activity with a total net thermal input exceeding 20 megawatts and generating electricity must apply to the enforcing authority under regulation 19(2) for a variation of the conditions of his permit before undertaking a substantial refurbishment.

5. The application for a variation of the conditions of the permit required by paragraph 4 must be accompanied by a cost-benefit analysis that assesses the costs and benefits of operating the installation, or converting the installation to operate, as a high-efficiency cogeneration installation.

6. An application to an enforcing authority under regulation 10 for a permit to operate a new installation with a total net thermal input exceeding 20 megawatts, other than an installation falling within paragraph 3, and generating waste heat at a useful temperature level, must be accompanied

by a cost-benefit analysis that assesses the cost and benefits of utilising the waste heat to satisfy economically justified demand, including through cogeneration, and of the connection of that installation to a district heating and cooling network.

7. An operator of an installation with a total net thermal input exceeding 20 megawatts, and generating waste heat at a useful temperature level must apply to the enforcing authority under regulation 19(2) for a variation of the conditions of his permit before undertaking a substantial refurbishment.

8. The application for a variation of the conditions of the permit required by paragraph 7 must be accompanied by a cost-benefit analysis that assesses the cost and benefits of utilising the waste heat to satisfy economically justified demand, including through cogeneration, and of the connection of that installation to a district heating and cooling network.

9. An application to an enforcing authority under regulation 10 for a permit to operate a new installation with a total net thermal input exceeding 20 megawatts which forms part of a new or existing district heating and cooling network must be accompanied by a cost-benefit analysis that assesses the cost and benefits of utilising the waste heat from nearby installations.

10. An operator of an installation with a total net thermal input exceeding 20 megawatts which forms part of an existing district heating or cooling network must apply to the enforcing authority under regulation 19(2) for a variation in the conditions of his permit before undertaking a substantial refurbishment.

11. The application for a variation in the conditions of the permit required by paragraph 10 must be accompanied by a cost-benefit analysis that assesses the cost and benefits of utilising the waste heat from nearby installations.

12. Paragraphs 3 to 11 shall not apply to—

(1) peak load and back-up electricity generating installations for which the application states that operation under 1,500 operating hours per year as a rolling average over a period of five years is planned; or

(2) installations that need to be located close to a geological storage site approved under Directive [2009/31/EC](#)(1).

13. Where the exemption specified in paragraph 12(1) applies, the enforcing authority shall include, in the permit, conditions ensuring that the operating hours remain within the constraints specified in paragraph 12(1).

14. Paragraphs 6 to 11 shall not apply to individual installations:

(1) which do not form part of a district cooling network; and

(2) with any of the following—

(a) available waste heat of 100 kilowatts or less;

(b) available waste heat,

(i) greater than 100 kilowatts as hot water or steam, where there is no hot water heat demand greater than 100 kilowatts within the search radius from the source installation as set out in the table below, located within the connection distance from the centre of the source installation; or

(ii) greater than 500 kilowatts as steam, where there is no steam-based heat demand greater than 500 kilowatts and no water heat demand greater than 100 kilowatts within the search radius from the centre of the installation as set out in the

---

(1) O.J. L140 5.6.2009 p.144

table below, located within the connection distance from the centre of the source installation;

- (c) a heat demand of—
  - (i) 100 kilowatts or less for hot water heat demands; or
  - (ii) 500 kilowatts or less for steam-based heat demands;
- (d) a hot water heat demand greater than 100 kilowatts, with no source of available waste heat greater than 100 kilowatts within the search radius from the centre of the installation as set out in the Table, located within the connection distance from the centre of the demand installation; or
- (e) a steam-based heat demand greater than 500 kilowatts, with no source of steam-based waste heat greater than 500 kilowatts within the search radius from the centre of the installation as set out in the Table, located within the connection distance from the centre of the demand installation.

**Table**

<i>Installation type</i>	<i>Thermal capacity (kilowatts (kW) and megawatts (MW))</i>	<i>Search radius (km)</i> <i>(measured from centre of the installation)</i>
Hot water demand	>100kW and <3.9 MW	0.0038 x H, where H = thermal capacity in kW
	≥3.9MW	15
Steam demand	>500kW and <12.5 MW	0.0012 x H, where H = thermal capacity in kW
	≥12.5 MW	15
Waste heat source (hot water or steam)	>100kW and <3.9 MW	0.0038 x H, where H = thermal capacity in kW
	≥3.9MW	15

15. For the purposes of paragraph 14, “connection distance” means—

(1) in the case of a hot water heat link, the thermal capacity in kilowatts of the source or demand, whichever is smaller, multiplied by 0.0038; or

(2) in the case of a steam heat link, the thermal capacity in kilowatts of the source or demand, whichever is smaller, multiplied by 0.0012,

expressed in kilometres.

16. From 31st December 2015, when considering permit applications and applications for the variation of conditions, the enforcing authority shall take into account both the outcome of the cost-benefit analysis and the outcome of the United Kingdom’s comprehensive national assessment required by Article 14(1) of the Energy Efficiency Directive.

17. Subject to paragraph 19, where a cost-benefit analysis, required pursuant to paragraphs 3, 5, 6 or 8 shows that benefits exceed costs, the enforcing authority may only grant the permit or vary the conditions of the permit subject to the inclusion of appropriate conditions that will ensure the operation of the installation in a manner shown by that analysis to be cost beneficial.

18. Subject to paragraph 19, where a cost-benefit analysis required pursuant to paragraphs 9 or 11 shows that benefits exceed costs, the regulator may only grant the permit or vary the conditions

**Changes to legislation:** *There are currently no known outstanding effects for the The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2014, SCHEDULE. (See end of Document for details)*

of the permit subject to the inclusion of appropriate conditions that will ensure the operation of the installation, in conjunction with the utilisation of the waste heat from nearby installations, in a manner shown by that analysis to be cost beneficial.

19. Paragraphs 17 and 18 do not apply if, in individual cases, the enforcing authority decides that there are imperative reasons of law, ownership or finance for it not to apply. In such cases, within two months of its decision, the enforcing authority shall submit a reasoned notification of it to the Department.

20. The provisions of this Schedule apply to installations covered by the IED without prejudice to the requirements of that Directive.”

**Changes to legislation:**

There are currently no known outstanding effects for the The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2014, SCHEDULE.