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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Pollution Prevention and Control (Scotland) Regulations 2012 (“the principal Regulations”) provide a regime for the regulation of certain industrial activities in Scotland. These Regulations amend the principal Regulations and the Air Quality Standards (Scotland) Regulations 2010, and come into force on 19th December 2017.

These Regulations amend the principal Regulations to add provisions relating to medium combustion plants (“MCPs”). They transpose Directive (EU) 2015/2193 of the European Parliament and of the Council on the limitation of certain pollutants into the air from medium combustion plants, which lays down rules to control emissions of sulphur dioxide, nitrogen oxides and dust from MCPs. A MCP is a combustion plant with a rated thermal input equal to or greater than 1 megawatt but less than 50 megawatts. As such, some MCPs were already within scope of the permitting regime in the principal Regulations, and in those cases the provisions inserted by Part 2 will impose additional requirements.

These Regulations provide that no MCP brought into operation on or after 20th December 2018 can expand, operate without a permit or being registered. In relation to MCPs 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. MCPs are required to comply with emission limit values for sulphur dioxide, nitrogen oxides and dust, subject to specified exceptions.

These Regulations also amend the principal Regulations to make a minor addition to schedule 1A to clarify the scope of an exemption from the requirements of that Schedule.

Regulation 17 makes amendments to the Air Quality Standards (Scotland) Regulations 2010 to transpose the Medium Combustion Plant Directive. The amendments require that when preparing an air quality plan, the Scottish Ministers must consider whether to include measures imposing lower emission limit values for MCPs than those set out in the Medium Combustion Plant Directive, if that would make an improvement to air quality.

Two impact assessments of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector are available from the Air Quality Policy Team, Directorate for Environment & Forestry, Environmental Quality Division, Victoria Quay, Edinburgh EH6 6QQ. An updated transposition note is submitted with the Policy Note which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).