

## SCHEDULE 15

Regulation 35(i)

### Provision in relation to certain combustion plants

#### Application

1. This Schedule applies in relation to every combustion plant to which the Large Combustion Plants Directive applies by virtue of Article 1 of that Directive.

#### Interpretation

2.—(1) In this Schedule—

“combustion plant” has the meaning given in Article 2(7) of the Large Combustion Plants Directive;

“existing plant” has the meaning given in Article 2(10) of the Large Combustion Plants Directive; and

“the Large Combustion Plants Directive” means Directive [2001/80/EC](#) of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants<sup>(1)</sup>.

(2) When interpreting the Large Combustion Plants Directive for the purposes of this Schedule—

(a) except where also defined in this paragraph, an expression defined in Part 1 of these Regulations has the meaning given in that Part;

(b) the competent authority is—

(i) for the purposes of exercising a judgment of whether there is an overriding need to maintain energy supplies under Article 7(1) or 7(3) of the Large Combustion Plants Directive, the appropriate authority,

(ii) otherwise, the regulator;

(c) the national emission reduction plan referred to in Article 4(6) of the Large Combustion Plants Directive is the emission plan, as amended from time to time, published under regulation 4(1) of the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007<sup>(2)</sup>;

(d) “emission” has the meaning given in the Large Combustion Plants Directive;

(e) “licence” means environmental permit;

(f) “permit” means environmental permit; and

(g) in Article 4(4), ignore the words “and from their inclusion in the national emission reduction plan”.

#### Exercise of relevant functions

3.—(1) The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Large Combustion Plants Directive—

(a) Article 4(1), (2) and (4);

(b) Article 5(1);

(c) Article 6;

(d) Article 7, except the last sentence of 7(2) and the last sentence of 7(3);

(1) OJNo. L 309, 27.11.2001, p1. There is a relevant corrigendum, OJ No. L 319, 23.11.2002, p30.

(2) S.I.2007/2325.

- (e) Article 8;
  - (f) Article 9;
  - (g) Article 10;
  - (h) Article 12;
  - (i) Article 13;
  - (j) Article 14(1), 14(2) and 14(4).
- (2) The regulator must—
- (a) exercise its relevant functions in relation to a regulated facility which—
    - (i) is an existing plant, and
    - (ii) elects to comply with the emission limit values established under Article 4(1) of the Large Combustion Plants Directive,  
so as to ensure compliance with Article 4(3)(a) of that Directive; and
  - (b) exercise its relevant functions in relation to a regulated facility which is included in the national emission reduction plan referred to in Article 4(6) of the Large Combustion Plants Directive so as to ensure compliance with Article 4(3)(b) of that Directive, to the extent that such compliance is not ensured by the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007(3).
- (3) The regulator must—
- (a) immediately inform the appropriate authority of any suspension under Article 7(2) or derogation under Article 7(3) of the Large Combustion Plants Directive;
  - (b) immediately inform the appropriate authority if it considers a judgment of whether there is an overriding need to maintain energy supplies under Article 7(1) or 7(3) of the Large Combustion Plants Directive must be made; and
  - (c) exercise its relevant functions in relation to such a judgment in accordance with the decision of that authority.