
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations form part of the implementation by the United Kingdom of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)(Recast) (OJ No L 334, 17.12.2010, p17) (“the 2010 Directive”). These Regulations transpose obligations of the 2010 Directive insofar as those obligations apply to offshore combustion installations.

Part 1

Regulation 1 provides for a periodic review of these Regulations and regulation 2 contains definitions, including the definitions of an offshore combustion installation and an operator of such an installation.

Part 2

Regulation 3 provides for the requirement for a permit to operate an offshore combustion installation and regulation 4 sets out the procedure for an operator to make an application for a permit to the Secretary of State. Requirements are placed on the Secretary of State under regulation 5 to make applications publicly available. Under regulation 6, certain applications for a permit or for variation of a permit (see regulation 12) must be notified to other member States (which includes Iceland and Norway). Regulation 7 provides for the matters the Secretary of State must take into account before granting or refusing an application for a permit. Those matters include representations from the public and, where applicable, other member States. The Secretary of State's decision to grant a permit or refuse the application must be notified to the applicant under regulation 8, which also provides for the decision and any representations in relation to the application to be made publicly available.

Regulation 9 provides for the conditions which may be included in a permit. Under regulation 10, the Secretary of State may set emission limit values as a condition in a permit which are less strict than the values required by Article 15(3) of the 2010 Directive. Under regulation 11, conditions must not be imposed in respect of emissions of greenhouse gases, except where required to ensure no significant local pollution is caused.

Part 3

Under regulation 12, an operator may apply to the Secretary of State to vary the conditions in a permit and the regulation sets out the matters the Secretary of State must take into account before deciding to approve or refuse the application. Those matters may include representations from another member State (see regulation 6).

Regulation 13 requires the Secretary of State to review the conditions in a permit and provides for the matters to be taken into account on a review. Regulations 14 and 15 provide for the procedures by which variations to permits are brought into effect and requirements in respect of representations from the operator and the public.

Changes to legislation: There are currently no known outstanding effects for the The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013. (See end of Document for details)

Part 4

A permit may be revoked by the Secretary of State under regulation 16. An operator may apply to the Secretary of State to surrender a permit under regulation 17 or to assign a permit under regulation 18. Under regulation 19, a surrender or assignment may be agreed subject to conditions.

Part 5

Regulation 20 applies where the operation of a combustion installation in another member State is likely to have significant negative effects on the areas of the sea in which offshore combustion installations require a permit from the Secretary of State under these Regulations. The regulation requires the Secretary of State to consult the other member State, to make information publicly available in relation to the likely significant negative effects and to provide to the other member State comments received by the Secretary of State.

Regulation 21 requires the Secretary of State to maintain a public register. Under regulation 22, the Secretary of State may charge fees for certain matters in accordance with a charging scheme. Regulation 23 allows the Secretary of State to require persons to provide information to enable the Secretary of State to perform functions under Parts 1 to 4 of these Regulations and to monitor compliance with the 2010 Directive. Regulation 23 also requires operators to give notice of certain matters to the Secretary of State.

Part 6

Regulation 24 provides for the appointment of inspectors to assist the Secretary of State in the performance of the Secretary of State's functions under these Regulations. Powers are granted to inspectors under regulation 25. Regulation 26 provides when information obtained may be admissible evidence in proceedings.

Regulation 27 requires the Secretary of State to have environmental inspection plans and programmes. Regulation 28 provides for the frequency of inspections and regulation 29 that reports must be prepared after an inspection and for the reports to be made publicly available.

Regulations 30 to 32 provide for enforcement and prohibition notices.

Regulation 33 sets out those matters which may be appealed by a person with a sufficient interest, and that the appeal body is the court.

Regulations 34 to 36 provide for criminal offences and penalties.

Part 7

Regulation 37 provides for the form of notices. Regulation 38 makes transitional provisions. Regulation 39 provides that no requirement under these Regulations to make environmental information publicly available extends to information which the Secretary of State would be entitled to refuse to make available under the Environmental Information Regulations 2004 (S.I. 2004/3391). Schedule 1 lists the criteria for determining best available techniques and Schedule 2 lists the pollutants to which controls must be applied by a condition in a permit.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. A transposition note setting out how the 2010 Directive, as it applies to offshore combustion installations, is transposed into the law of the United Kingdom is available and can be obtained from the Energy Development Unit, Offshore Oil & Gas Environment and Decommissioning Branch, Department of Energy and Climate Change, 3rd Floor (Area B), 3 Whitehall Place, London SW1A 2AW. The transposition note has also been published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013.