

STATUTORY INSTRUMENTS

2013 No. 971

The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013

PART 2

Applications for permits and conditions in permits

[^{F1}Permits

- 3.**—(1) Subject to paragraph (2), a person must not operate an offshore combustion installation—
- (a) without a permit; and
 - (b) otherwise than in accordance with the conditions in that permit.
- (2) Where a permit has yet to be granted in respect of an offshore combustion installation which is equipped with a medium combustion plant, paragraph (1) applies from the relevant date.
- (3) A person must apply for a permit in writing to the Secretary of State.]

Textual Amendments

- F1** Reg. 3 substituted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, 5

Applications for permits [^{F2}: large combustion installations]

- 4.**—^{F3}(1)
- (2) [^{F4}Where an application for a permit relates to the operation of a large combustion installation, the application must] include a description of—
- (a) the offshore combustion installation (“the installation”) and its activities;
 - (b) [^{F5}the relevant platform comprising the installation];
 - (c) the materials, substances and energy used in or generated by the installation;
 - (d) the sources of emissions from the installation;
 - (e) the conditions of the site of the installation;
 - (f) the nature and quantities of foreseeable emissions from the installation into each medium and any significant effects of the emissions on the environment;
 - (g) the proposed technology and other techniques for preventing or, where this is not possible, reducing emissions from the installation;
 - (h) where necessary, measures for the prevention and recovery of waste generated by the installation;
 - (i) measures planned to monitor emissions into the environment;

- (j) to the extent not otherwise described, measures planned to comply with the principles listed in regulation 7(3); and
- (k) the main alternatives (if any) to the technology and techniques referred to in subparagraph (g) studied by the applicant, in outline.

(3) [^{F6}Where an application for a permit relates to the operation of a large combustion installation, the application must] be accompanied by a non-technical summary of the information which must be provided under paragraph (2).

(4) Where an applicant has an environmental statement which contains information which must be provided under paragraph (2), the applicant may include the statement with the application in order to provide that information.

(5) In paragraph (4), “environmental statement” has the same meaning as it has in regulation 3(1) of the [^{F7}Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020].

Textual Amendments

- F2** Words in reg. 4 heading inserted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **6(a)**
- F3** Reg. 4(1) omitted (18.7.2018) by virtue of The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **6(b)**
- F4** Words in reg. 4(2) substituted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **6(c)**
- F5** Words in reg. 4(2)(b) substituted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **6(d)**
- F6** Words in reg. 4(3) substituted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **6(c)**
- F7** Words in reg. 4(5) substituted (31.12.2020 immediately before 11 p.m.) by The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 (S.I. 2020/1497), reg. 1(1), **Sch. 7 para. 5** (with reg. 1(2)-(6), 20)

[^{F8}Applications for permits: medium combustion plant

4A. Where an application for a permit relates to the operation of a medium combustion plant an application must include the information listed at Annex 1.]

Textual Amendments

- F8** Reg. 4A inserted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **7**

Making applications publicly available [^{F9}: large combustion installations]

5.—(1) Where the Secretary of State receives an application for a permit [^{F10}that relates to the operation of a large combustion installation], the Secretary of State must make publicly available a notice which contains the matters in paragraph (2)(“an application notice”).

- (2) The matters referred to in paragraph (1) are—
 - (a) a copy of the application;

- (b) that representations by the public may be sent to the Secretary of State in respect of the application;
 - (c) where those representations are to be sent;
 - (d) the date by which those representations must be received, which must be no earlier than 4 weeks after the application notice is made public;
 - (e) whether or not the operation of the offshore combustion installation which is the subject of the application—
 - (i) is likely to have significant negative effects on the environment of [F11 a member State]; and
 - (ii) requires an environmental impact assessment or consultation with [F11 a member State] before a decision in respect of the application can be made;
 - (f) the possible decisions which may be made by the Secretary of State in respect of the application;
 - (g) when such decisions are likely to be made; and
 - (h) such other information as the Secretary of State considers relevant to the application.
- (3) Where the Secretary of State holds information which—
- (a) was not included in the application notice; and
 - (b) the Secretary of State considers is relevant to the application,
- the Secretary of State must make publicly available as soon as possible a notice which contains the matters in paragraph (4) (“a supplemental notice”).
- (4) The matters referred to in paragraph (3) are—
- (a) the additional information;
 - (b) reference to the application notice and any previous supplemental notice;
 - (c) where those notices are publicly available; and
 - (d) any amendment of—
 - (i) the date by which representations from the public must be received, which date must not be earlier than the date given for that purpose in the application notice; and
 - (ii) the matters in paragraph (2)(e) or (g).

Textual Amendments

- F9** Words in [reg. 5 heading](#) inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **8(a)**
- F10** Words in [reg. 5\(1\)](#) inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **8(b)**
- F11** Words in [reg. 5\(2\)\(e\)](#) substituted (31.12.2020) by [The Pipe-lines, Petroleum, Electricity Works and Oil Stocking \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1325\)](#), regs. 1(1), **8(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Applications for permits and variation of permits [F12 for large combustion installations]: effects on the environment of F13 ... member States

- 6.—(1) This regulation applies where—

- (a) the Secretary of State considers that the operation of [^{F14}a large combustion installation] which is the subject of an application under regulation 4 or a notice under regulation 12 is likely to have significant negative effects on the environment of [^{F15}a member State]; or
 - (b) [^{F15}a member State] requests details of the operation of [^{F14}a large combustion installation] which is the subject of such an application or notice.
- (2) The Secretary of State must, as soon as possible after—
- (a) making publicly available the application notice and any supplemental notice; or
 - (b) receipt of the notice under regulation 12,
- provide a copy of the notice to the ^{F16}... member State.
- (3) When complying with paragraph (2), the Secretary of State must inform the ^{F16}... member State of the date by which any representations by that State must be received by the Secretary of State.
- (4) In respect of an application under regulation 4, the date under paragraph (3) must not be earlier than—
- (a) the date included in the application notice under regulation 5(2)(d); or
 - (b) if applicable, any amendment of that date included in any supplemental notice.

Textual Amendments

- F12** Words in reg. 6 heading inserted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **9(a)**
- F13** Word in reg. 6 heading omitted (31.12.2020) by virtue of The Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018 (S.I. 2018/1325), regs. 1(1), **8(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in reg. 6(1) substituted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **9(b)**
- F15** Words in reg. 6(1) substituted (31.12.2020) by The Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018 (S.I. 2018/1325), regs. 1(1), **8(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in reg. 6(2)(3) omitted (31.12.2020) by virtue of The Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018 (S.I. 2018/1325), regs. 1(1), **8(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Determining applications [^{F17}: large combustion installations]

- 7.—(1) Before granting or refusing an application for a permit [^{F18}for the operation of a large combustion installation], the Secretary of State must take into account—
- (a) representations received—
 - (i) from the public by the date provided for their receipt in the application notice or any supplemental notice; and
 - (ii) where regulation 6(1) applies, from [^{F19}a member State] by the date provided under regulation 6(3);
 and
 - (b) ^{F20}... any relevant information obtained by or provided to the Secretary of State and any conclusion of the Secretary of State [^{F21}under retained EU law that implemented Articles 4,] 5, 6, 7 and 9 of the EIA Directive.

(2) The Secretary of State must grant a permit [^{F22}for the operation of a large combustion installation] to an applicant if the Secretary of State is satisfied that the [^{F23}large combustion installation] will be operated in compliance with the 2010 Directive.

(3) The Secretary of State must in particular be satisfied that the applicant will operate the [^{F24}large combustion installation] in accordance with the principles that—

- (a) all appropriate measures are taken to prevent pollution, including by the application of best available techniques;
- (b) no significant pollution will be caused;
- (c) the production of non-gaseous waste is avoided where possible by the use of—
 - (i) clean technologies which are sparing in their use of natural resources; or
 - (ii) products designed to reduce the amount or harmfulness of waste;
- (d) where non-gaseous waste is produced, it is—
 - (i) prepared for reuse, recycled or recovered; or
 - (ii) where compliance with paragraph (i) is not technically and economically possible, disposed of in such a way as to avoid or minimise any impact on the environment;
- (e) energy is used efficiently;
- (f) necessary measures are taken to prevent accidents which may affect the environment and to limit the environmental consequences of accidents;
- (g) necessary measures are taken when the operation finally ceases—
 - (i) to decommission and remove the [^{F25}combustion plant]; and
 - (ii) to avoid any risk of pollution arising in consequence of the decommissioning and removal.

Textual Amendments

- F17** Words in reg. 7 heading inserted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **10(a)**
- F18** Words in reg. 7(1) inserted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **10(b)**
- F19** Words in reg. 7(1)(a)(ii) substituted (31.12.2020) by The Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018 (S.I. 2018/1325), regs. 1(1), **8(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in reg. 7(1)(b) omitted (31.12.2020) by virtue of The Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018 (S.I. 2018/1325), regs. 1(1), **8(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in reg. 7(1)(b) substituted (31.12.2020) by The Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018 (S.I. 2018/1325), regs. 1(1), **8(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in reg. 7(2) inserted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **10(c)(i)**
- F23** Words in reg. 7(2) substituted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **10(c)(ii)**
- F24** Words in reg. 7(3) substituted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **10(d)**
- F25** Words in reg. 7(3)(g)(i) substituted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **10(e)**

[^{F26}Determining applications: medium combustion plant

7A. Where the Secretary of State receives a duly-made application for a permit that relates to a medium combustion plant but does not relate to a large combustion installation, the Secretary of State must—

- (a) start the procedure for determining the application within one month of the operator providing the information referred to in regulation 4A; and
- (b) inform the operator when the procedure has started.]

Textual Amendments

F26 Reg. 7A inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **11**

Granting and refusal of applications [^{F27}: large combustion installations]

8.—(1) [^{F28}Where an applicant has applied for a permit which relates to a large combustion installation] the Secretary of State must give notice to the applicant as soon as possible of the decision to grant a permit or to refuse the application, together with reasons for the decision.

(2) The Secretary of State must make publicly available as soon as possible the notice given under paragraph (1) together with—

- (a) a summary of the representations received and taken into account—
 - (i) from the public; and
 - (ii) where regulation 6 applies, from [^{F29}a member State];
 and
- (b) how the representations described in sub-paragraph (a) were taken into account in making the decision.

Textual Amendments

F27 Words in [reg. 8 heading](#) inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **12(a)**

F28 Words in [reg. 8\(1\)](#) inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **12(b)**

F29 Words in [reg. 8\(2\)\(a\)\(ii\)](#) substituted (31.12.2020) by [The Pipe-lines, Petroleum, Electricity Works and Oil Stocking \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1325\)](#), regs. 1(1), **8(4)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F30}Granting and refusal of applications: medium combustion plant

8A. Where the Secretary of State receives an application for a permit that relates to a medium combustion plant, the Secretary of State must give notice to the applicant of the decision to grant a permit or to refuse an application, together with reasons for the decision.]

Textual Amendments

F30 Reg. 8A inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **13**

Conditions in permits ^{F31}: large combustion installations]

- 9.—(1) Subject to regulation 10, the Secretary of State must—
- (a) set conditions in a permit ^{F32}that relates to a large combustion installation] to secure the matters in paragraph (2); and
 - (b) in setting conditions ^{F33}regarding a large combustion installation] on the basis of best available techniques, give particular consideration to the criteria listed in Schedule 1 in determining those techniques but must not prescribe the use of any particular technique or technology.
- (2) The matters referred to in paragraph (1)(a) are that—
- (a) the operator complies with the principles in regulation 7(3);
 - (b) in respect of a pollutant listed in Schedule 2 which is likely to be emitted from the ^{F34}large combustion installation] in significant quantities, there are controls on the emissions in the form of—
 - (i) emission limit values for the pollutant;
 - (ii) where the Secretary of State considers it appropriate, equivalent parameters or technical measures; or
 - (iii) a combination of such values, parameters or measures,and that those controls have regard to the total mass of the emissions from the ^{F34}large combustion installation], the nature of the pollutant and its potential to transfer pollution from one medium to another;
 - (c) in respect of waste generated by the ^{F34}large combustion installation], there are appropriate measures to monitor and control that waste;
 - (d) in respect of a pollutant which may be emitted from the ^{F34}large combustion installation], there are suitable emission monitoring requirements for such an emission, which include—
 - (i) measurement methodology, frequency and evaluation procedure;
 - (ii) where the Secretary of State intends to set less strict emission limit values as provided by regulation 10(1), that the results of emission monitoring are provided for the same periods and with the same reference conditions as would apply to emission levels associated with the best available techniques; and
 - (iii) the provision at least annually of information on the basis of the results of emission monitoring under paragraphs (i) and (ii) and such other data which enables the Secretary of State to verify compliance with the permit;
 - (e) in respect of subparagraph (d)(ii) where it applies, there are requirements to provide a summary of the results of emission monitoring which allows a comparison with the emission levels associated with the best available techniques;
 - (f) in respect of pollution which may travel long distances or to ^{F35}a member State], there are appropriate controls to minimise that travel;
 - (g) in respect of an operation of the ^{F34}large combustion installation] other than a normal operation, including start-up and shutdown, leaks, malfunctions, momentary stoppages and definitive cessation of operation, there are controls which minimise risks to the environment from such an operation;
 - (h) in respect of any incident or accident which may significantly affect the environment, the operator immediately—
 - (i) informs the Secretary of State and any other public authority which has responsibilities concerning such incidents or accidents; and

- (ii) takes the measures required to limit the environmental consequences and to prevent further possible incidents or accidents; and
 - (i) in respect of any breach of the conditions in a permit, the operator as soon as possible informs the Secretary of State and takes the necessary measures to restore compliance.
- ^{F36}(3)

Textual Amendments

F31 Words in reg. 9 heading inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **14(a)**

F32 Words in reg. 9(1)(a) inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **14(b)(i)**

F33 Words in reg. 9(1)(b) inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **14(b)(ii)**

F34 Words in reg. 9(2) substituted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **14(c)**

F35 Words in reg. 9(2)(f) substituted (31.12.2020) by [The Pipe-lines, Petroleum, Electricity Works and Oil Stocking \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1325\)](#), regs. 1(1), **8(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F36 Reg. 9(3) omitted (18.7.2018) by virtue of [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **14(d)**

^{F37}**Conditions in permits: medium combustion plant**

9A.—(1) Where a permit relates to a medium combustion plant, the Secretary of State must set conditions in a permit to secure the matters in paragraph (2).

- (2) The matters referred to in paragraph (1) are that—
 - (a) the operator carries out monitoring of emissions in accordance with, as a minimum, Part 1 of Annex 3;
 - (b) the operator monitors emissions while firing a fuel or fuel mix that is likely to result in the highest level of emissions and during a period representing normal operating conditions;
 - (c) the emissions do not exceed the emission limit values set out in Annex 2;
 - (d) the operator keeps a record of and processes all monitoring results in such a way as to enable the verification of compliance with the emission limit values in accordance with Part 2 of Annex 3;
 - (e) for medium combustion plant using secondary abatement equipment in order to meet the emission limit values for the medium combustion plant, the operator keeps a record of, or information proving, the effective continuous operation of that equipment;
 - (f) the operator keeps a copy of the permit and, if relevant, any varied permit and related information;
 - (g) the operator keeps the following for a period of at least six years from the date the result, information or record was created—
 - (i) the monitoring results and information referred to in sub-paragraphs (d) and (e);
 - (ii) where applicable, a record of operating hours as referred to in regulations 11C and 11D;
 - (iii) a record of the type and quantities of fuels used in the plant and of any malfunctions or breakdown of secondary abatement equipment; and

- (iv) a record of the events of non-compliance with the emission limit values and the measures taken to address that non-compliance;
- (h) there are suitable reporting requirements, which include the provision of the results of emission monitoring and such other data which enables the Secretary of State to verify compliance with the permit;
- (i) the operator, without undue delay, makes available the data and information described in sub-paragraphs (f) and (g) to the Secretary of State upon request;
- (j) the operator keeps the periods of start-up and shut-down of the medium combustion plant as short as possible;
- (k) in respect of any breach of the conditions in a permit, the operator as soon as possible informs the Secretary of State and takes the necessary measures to restore compliance; and
- (l) where any breach of the conditions in a permit causes a significant degradation of local air quality, the operator suspends operation of the medium combustion plant until compliance is restored.

Textual Amendments

F37 Regs. 9A, 9B inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, 15

Conditions in permits: large and medium combustion plant

9B. The Secretary of State—

- (a) must include conditions in a permit which enable the Secretary of State to assess compliance with any relevant emission limit values; and
- (b) may include such other conditions in a permit as the Secretary of State thinks fit.]

Textual Amendments

F37 Regs. 9A, 9B inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, 15

Emission limit values [^{F38}: large combustion installations]

10.—(1) Where paragraph (2) applies and subject to paragraph (3), the Secretary of State may set emission limit values as a condition of a permit which are less strict than the values required by Article 15(3) of the 2010 Directive (“the Article 15(3) values”).

(2) The Secretary of State must—

- (a) assess that to impose the Article 15(3) values would lead to disproportionately higher costs compared to the environmental benefits because of—
 - (i) the geographical location of, or the local environmental conditions at, the [^{F39}large combustion installation]; or
 - (ii) the technical characteristics of the [^{F40}large combustion installation];
- and
- (b) be satisfied that by setting the emission limit values, no significant pollution will be caused and a high level of protection of the environment as a whole will be achieved.

- (3) The Secretary of State must include in an annex to the permit—
- (a) the result of the assessment under paragraph (2)(a); and
 - (b) the justification for being satisfied under paragraph (2)(b).

Textual Amendments

- F38** Words in [reg. 10](#) heading inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, [16\(a\)](#)
- F39** Words in [reg. 10\(2\)\(a\)\(i\)](#) substituted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, [16\(b\)\(i\)](#)
- F40** Words in [reg. 10\(2\)\(a\)\(ii\)](#) substituted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, [16\(b\)\(ii\)](#)

Greenhouse gases ^{F41}: large combustion installations]

11.—(1) A condition must not be included in a permit ^{F42}which relates to the operation of a large combustion installation] to secure the matters in regulation 9(2) in respect of the emissions of a greenhouse gas specified in Annex I to the 2003 Directive, except to the extent that a condition is required in order to ensure no significant local pollution is caused.

(2) In paragraph (1), “the 2003 Directive” means Directive [2003/87/EC](#) of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community, as amended ^{M1}.

Textual Amendments

- F41** Words in [reg. 11](#) heading inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, [17\(a\)](#)
- F42** Words in [reg. 11](#) inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, [17\(b\)](#)

Marginal Citations

- M1** OJ No L 275, 25.10.2003, p32. This Directive has been amended by Directive 2004/101/EC of the European Parliament and of the Council in respect of the Kyoto Protocol's project mechanisms (OJ No L 338, 13.11.2004, p18), Directive 2008/101/EC of the European Parliament and of the Council so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ No L 8, 13.1.2009, p3) and Directive 2009/29/EC of the European Parliament and of the Council so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (OJ L 140, 5.6.2009, p63).

^{F43}Industrial Emissions Directive: large combustion plant

11A. Where a permit relates to a large combustion plant, the Secretary of State must exercise the Secretary of State’s functions under these Regulations so as to ensure compliance with the following provisions of the 2010 Directive—

- (a) Article 29;
- (b) Article 30(1) and 30(3) to (8) ^{F44}except that the Secretary of State has no obligation to inform the Commission of any derogation granted under paragraph (5) or (6)];
- (c) Article 37;

- (d) Article 38;
- (e) Article 39;
- (f) Article 40(1).

Textual Amendments

- F43** Regs. 11A-11G inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **18**
- F44** Words in reg. 11A(b) inserted (31.12.2020) by [The Pipe-lines, Petroleum, Electricity Works and Oil Stocking \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1325\)](#), regs. 1(1), **8(6)**; 2020 c. 1, Sch. 5 para. 1(1)

Emission limit values: medium combustion plant

11B.—(1) Paragraphs (2) to (4) apply subject to regulations 11C to 11G.

(2) From 20th December 2018, emissions into the air of sulphur dioxide, NOx and dust from a new medium combustion plant must not exceed the emission limit values set out in Part 2 of Annex 2.

(3) From 1st January 2025, emissions into the air of sulphur dioxide, NOx and dust from an existing medium combustion plant with a rated thermal input greater than 5 megawatts must not exceed the emission limit values set out in Tables 2 and 3 of Part 1 of Annex 2.

(4) From 1st January 2030, emissions into the air of sulphur dioxide, NOx and dust from an existing medium combustion plant with a rated thermal input of 5 megawatts or less must not exceed the emission limit values set out in Tables 1 and 3 of Part 1 of Annex 2.

Textual Amendments

- F43** Regs. 11A-11G inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **18**

Limited operating hours – existing medium combustion plant

11C.—(1) An existing medium combustion plant which operates for no more than 500 operating hours per year, as a rolling average over a period of five years, is not required to comply with the emission limit values set out in Part 1 of Annex 2 during that period of five years, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex 1 before the start of that period of five years.

(2) An existing medium combustion plant which operates for no more than 1,000 operating hours per year, as a rolling average over a period of five years, is not required to comply with the emission limit values set out in Part 1 of Annex 2 where it operates to produce heat in cases of exceptionally cold weather events during that period of five years, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex 1 before the start of that period of five years.

Textual Amendments

- F43** Regs. 11A-11G inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **18**

Limited operating hours: new medium combustion plant

11D. A new medium combustion plant which operates for no more than 500 operating hours per year, as a rolling average over a period of three years, is not required to comply with the emission limit values set out in Part 2 of Annex 2 during that period of three years, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex 1 before the start of that period of three years.

Textual Amendments

F43 Regs. 11A-11G inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **18**

Temporary derogations: medium combustion plant

11E.—(1) This paragraph applies in relation to a medium combustion plant which normally uses low sulphur fuel where—

- (a) the operator is unable to comply with the relevant emission limit values for sulphur dioxide in regulation 11B, because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage; and
- (b) the operator requests a temporary derogation from the requirement to comply with those emission limit values.

(2) Where paragraph (1) applies, the Secretary of State may grant a derogation from the obligation to comply with the emission limit values for a maximum of six months.

(3) This paragraph applies in relation to a medium combustion plant using only gaseous fuel where—

- (a) the installation has to resort exceptionally to the use of other fuels because of an interruption in the supply of gas resulting from a serious shortage; and
- (b) the installation would need to be equipped with secondary abatement equipment in order to comply with those emissions limit values.

(4) Where paragraph (3) applies, the Secretary of State may grant a derogation from the obligation to comply with the relevant emissions limit values in regulation 11B—

- (a) for a maximum of 10 days; or
- (b) for such longer period as the operator satisfies the Secretary of State is justified under the circumstances.

Textual Amendments

F43 Regs. 11A-11G inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **18**

Simultaneous use of fuels: medium combustion plant

11F. Where a medium combustion plant simultaneously uses two or more fuels, the emission limit value for each pollutant must be calculated by—

- (a) taking the emission limit value relevant for each individual fuel as set out in Annex 2;
- (b) determining the fuel-weighted emission limit value, which is obtained by multiplying the individual emission limit value referred to in paragraph (a) by the thermal input delivered

by each fuel, and dividing the product of multiplication by the sum of the thermal inputs delivered by all fuels; and

(c) aggregating the fuel-weighted emission limit values.

Textual Amendments

F43 Regs. 11A-11G inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **18**

Emission limit values: compliance

11G. The emission limit values shall be regarded as having been complied with if the results of monitoring conducted in accordance with the conditions of the permit show that the emissions for the combustion installation and the pollutant concerned do not exceed the emission limit value which applies in respect of that installation and that pollutant.]

Textual Amendments

F43 Regs. 11A-11G inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **18**

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013, PART 2.