

STATUTORY INSTRUMENTS

2013 No. 971

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

PART 3

Variations of conditions in permits

Variation of operation of [^{F1}large combustion installations]

12.—(1) Where an operator proposes to vary the operation of [^{F2}a large combustion installation] (“the proposed variation”), the operator must—

- (a) give notice to the Secretary of State of the proposed variation; and
- (b) supply such information as the Secretary of State requests in order that the Secretary of State may consider whether or not to approve the variation and what, if any, variation of the permit may be required.

(2) The operator must not put into effect the proposed variation unless and until the operator receives a notice under paragraph (4) approving the variation.

(3) Where—

- (a) the Secretary of State considers that the proposed variation would be a substantial change in operation of [^{F3}the large combustion installation]; ^{F4}...

^{F4}(b)

the Secretary of State must take into account any relevant information obtained by or provided to the Secretary of State and any conclusion of the Secretary of State [^{F5}under retained EU law that implemented Articles 4,] 5, 6, 7 and 9 of the EIA Directive when deciding to approve or refuse the proposed variation.

(4) Subject to paragraph (5), the Secretary of State must, as soon as possible after the notice under paragraph (1) is received, give notice to the operator—

- (a) approving the proposed variation, together with any varied conditions in the permit; or
- (b) refusing the proposed variation, together with reasons for that decision.

(5) Where—

- (a) a notice is received under paragraph (1); and
- (b) regulation 6(1) applies,

the Secretary of State must take account of representations received from [^{F6}a member State] by the date provided under regulation 6(3) before giving notice to the operator under paragraph (4).

(6) Where the Secretary of State approves a proposed variation—

- (a) the conditions in the permit may be varied as the Secretary of State thinks fit; but
- (b) regulation 9(1) must be complied with when making any variation.

(7) In this regulation, “substantial change in operation” means a change in the nature or functioning, or an extension, of [^{F7}a large combustion installation] which—

- (a) may have significant negative effects on the environment; or
- (b) in itself is equal to or greater than a rated thermal input of 50 megawatts.

Textual Amendments

- F1** Words in [reg. 12](#) heading substituted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **19(a)**
- F2** Words in [reg. 12\(1\)](#) substituted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **19(b)**
- F3** Words in [reg. 12\(3\)\(a\)](#) substituted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **19(c)**
- F4** [Reg. 12\(3\)\(b\)](#) and word 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(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in [reg. 12](#) 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(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in [reg. 12\(5\)](#) 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)
- F7** Words in [reg. 12\(7\)](#) substituted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **19(b)**

[^{F8}Variation of existing permits: medium combustion plant

12A. In any case where there is a permit granted before the relevant date which relates to a medium combustion plant, the Secretary of State must—

- (a) review the permit before the relevant date; and
- (b) if necessary, vary the permit to ensure that it complies with the relevant requirements of regulation 9A on the relevant date.

Textual Amendments

- F8** [Regs. 12A, 12B](#) inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, **20**

Variation of operation of medium combustion plant

12B.—(1) Where an operator proposes to vary (“the proposed variation”) the operation of a medium combustion plant, the operator must—

- (a) give notice to the Secretary of State of the proposed variation; and
- (b) supply such information as the Secretary of State requests in order that the Secretary of State may consider whether or not to approve the variation and what, if any, variation of the permit may be required.

(2) The operator must not put into effect the proposed variation unless and until the operator receives a notice under paragraph (3) approving the variation.

(3) The Secretary of State must, as soon as possible after the notice under paragraph (1) is received, give notice to the operator—

- (a) approving the proposed variation, together with any varied conditions in the permit; or
- (b) refusing the proposed variation, together with reasons for that decision.

(4) Subject to regulation 9A(1), where the Secretary of State approves a proposed variation, the conditions in the permit may be varied as the Secretary of State thinks fit.]

Textual Amendments

F8 Regs. 12A, 12B inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, 20

Review of permits [^{F9}: large combustion installations]

13.—(1) Subject to paragraph (2), the Secretary of State must review the conditions of a permit [^{F10}that relates to the operation of a large combustion installation] at such intervals as the Secretary of State thinks fit.

(2) The Secretary of State must review the conditions in a permit [^{F11}that relates to the operation of a large combustion installation] where the Secretary of State considers that—

- (a) developments in best available techniques allow for the significant reduction of emissions without incurring excessive costs;
- (b) the operational safety of the [^{F12}large combustion installation] requires techniques, other than best available techniques to be used; or
- (c) the pollution caused by the [^{F12}large combustion installation] is of such significance that the existing emission limit values, equivalent parameters or technical measures in the permit need to be revised.

(3) Where further to a review the Secretary of State considers a variation of the conditions in the permit are required, the Secretary of State must comply with regulation 9(1) in setting those conditions.

(4) The Secretary of State must in carrying out a review—

- (a) encourage the development and application of emerging techniques for the reduction of emissions in relation to [^{F13}large combustion installations]; and
- (b) consider the results of monitoring and inspections of the [^{F12}large combustion installation].

(5) An operator must provide to the Secretary of State such information as the Secretary of State requests which may be needed to review the conditions of a permit.

(6) The information which may be requested under paragraph (5) includes, where the application of best available techniques is appropriate to the [^{F12}large combustion installation], the results of emission monitoring and other data which enables a comparison of the operation of the [^{F12}large combustion installation] with the emission levels associated with the best available techniques.

Textual Amendments

F9 Words in reg. 13 heading inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, 21(a)

F10 Words in reg. 13(1) inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), regs. 1, 21(b)

- F11** Words in reg. 13(2) inserted (18.7.2018) by *The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798)*, regs. 1, **21(c)**
- F12** Words in reg. 13 substituted (18.7.2018) by *The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798)*, regs. 1, **21(e)**
- F13** Words in reg. 13(4)(a) substituted (18.7.2018) by *The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798)*, regs. 1, **21(d)**

Variation of conditions in permits [^{F14}for large combustion installations] following a review except further to regulation 13(2)(c)

14.—(1) This regulation applies where the Secretary of State considers that a variation of the conditions in a permit [^{F15}which relates to the operation of a large combustion installation] is required further to a review of the conditions, except where the review was undertaken (in whole or part) further to regulation 13(2)(c).

(2) The Secretary of State must give the operator notice of the intended variation of the conditions (“variation notice”).

(3) The variation notice must—

- (a) be given at least 14 days before the Secretary of State intends that the variation is to have effect (“the variation date”); and
- (b) state the date by which any representations from the operator must be received.

(4) The Secretary of State must take into account any such representations received from the operator.

(5) The Secretary of State must—

- (a) give effect to a variation of the conditions in the permit in such amended form and on the variation date or such later date, as the Secretary of State considers appropriate; or
- (b) withdraw the variation notice.

(6) The Secretary of State must as soon as possible give notice to the operator of the decision made under paragraph (5) and make that notice publicly available.

Textual Amendments

- F14** Words in reg. 14 heading inserted (18.7.2018) by *The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798)*, regs. 1, **22(a)**
- F15** Words in reg. 14(1) inserted (18.7.2018) by *The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798)*, regs. 1, **22(b)**

Variation of conditions in permits [^{F16}for large combustion installations] following a review further to regulation 13(2)(c)

15.—(1) This regulation applies where the Secretary of State considers that a variation of the conditions in a permit [^{F17}which relates to the operation of a large combustion installation] is required further to a review of the conditions, where the review was undertaken (in whole or part) further to regulation 13(2)(c).

(2) The Secretary of State must make publicly available a notice which contains the matters in paragraph (3) (“variation notice”).

(3) The matters referred to in paragraph (2) are—

- (a) a copy of the intended variation of the conditions;

- (b) that representations by the operator and the public may be sent to the Secretary of State in respect of the variation;
 - (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 variation notice is made public;
 - (e) when the intended variation of the conditions is to take effect (“variation date”);
 - (f) the possible decisions which may be made by the Secretary of State in response to representations; and
 - (g) such other information as the Secretary of State considers relevant.
- (4) Where the Secretary of State—
- (a) holds information which was not included in the variation notice; and
 - (b) which the Secretary of State considers is relevant to the intended variation,
- the Secretary of State must make publicly available as soon as possible a notice which contains the matters in paragraph (5)(“a supplemental notice”).
- (5) The matters referred to in paragraph (4) are—
- (a) the additional information;
 - (b) reference to the variation 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 operator and public must be received, which date must not be earlier than the date given for that purpose in the variation notice; or
 - (ii) the variation date.
- (6) The Secretary of State must take into account any representations from the operator and public received by the date set out in the variation notice or any supplemental notice.
- (7) The Secretary of State must—
- (a) give effect to a variation of the conditions in such amended form and on the variation date or such later date, as the Secretary of State considers appropriate; or
 - (b) withdraw the variation notice.
- (8) The Secretary of State must as soon as possible give notice of a decision under paragraph (7) to the operator and make that notice publicly available.

Textual Amendments

- F16** Words in [reg. 15](#) heading inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), [regs. 1, 23\(a\)](#)
- F17** Words in [reg. 15\(1\)](#) inserted (18.7.2018) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) \(Amendment\) Regulations 2018 \(S.I. 2018/798\)](#), [regs. 1, 23\(b\)](#)

[^{F18}Review of permits: medium combustion plant

15A.—(1) The Secretary of State may at any time review the conditions of a permit which relates to the operation of a medium combustion plant.

(2) An operator must provide, without undue delay, to the Secretary of State such information as the Secretary of State requests which may be needed to review the conditions of a permit.]

Changes to legislation: There are currently no known outstanding effects for the The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013, PART 3. (See end of Document for details)

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Textual Amendments

F18 Reg. 15A inserted (18.7.2018) by The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (S.I. 2018/798), regs. 1, **24**

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013, PART 3.