

[^{F1}SCHEDULE 25A **E+W**

Regulation 35(1)

Medium Combustion Plants: Medium Combustion Plant Directive

Textual Amendments

- F1** Schs. 25A, 25B inserted (30.1.2018) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/110\)](#), regs. 1, **16**

PART 1 **E+W**

General

Application **E+W**

1. This Schedule applies—
 - (a) in relation to every new medium combustion plant from 20th December 2018,
 - (b) in relation to every existing medium combustion plant from the date specified in regulation 12(1A)(b) or (c), as appropriate.

Interpretation **E+W**

- 2.—(1) In this Schedule—

“existing medium combustion plant” means a medium combustion plant—

 - (a) put into operation before 20th December 2018, or
 - (b) for which an environmental permit was granted before 19th December 2017, provided that the plant is put into operation no later than 20th December 2018;

“the MCPD” means the Medium Combustion Plant Directive;

“medium combustion plant” means a combustion plant with a rated thermal input equal to or greater than 1 megawatt but less than 50 megawatts, and any combination of combustion plants referred to in article 2(2) or article 4 of the MCPD, provided that—

 - (a) it does not fall within Article 2(3) or (4) of the MCPD,
 - (b) it is not installed on an offshore platform situated on, above or below those parts of the sea adjacent to England and Wales from the low water mark to the seaward baseline of the United Kingdom territorial sea,
 - (c) it is not installed on a gas storage or unloading platform as defined in regulation 2 of the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013;

“new medium combustion plant” means a medium combustion plant which is not an existing medium combustion plant.
- (2) In sub-paragraph (1), “offshore platform” means any fixed or floating structure which—
 - (a) is used for the purposes of or in connection with the production of petroleum, and
 - (b) in the case of a floating structure, is maintained on a station during the course of production,

but does not include any structure where the principal purpose of the use of the structure is the establishment of the existence of petroleum or the appraisal of its characteristics, quality or quantity or the extent of any reservoir in which it occurs.

Changes to legislation: The Environmental Permitting (England and Wales) Regulations 2016, SCHEDULE 25A is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) In sub-paragraph (2), “petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.

F2(4)

Textual Amendments
F2 Sch. 25A Pt. 1 para. 2(4) omitted (31.12.2020) by virtue of [The Environmental Permitting \(England and Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/39\)](#), regs. 1, **2(27)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Applications for the grant of an environmental permit E+W

3.—(1) The regulator must ensure that every application for the grant of an environmental permit—

- (a) includes the information specified in Annex I to the MCPD;
- (b) specifies which (if any) of paragraphs 7 to 11 of this Schedule is considered relevant to the application.

(2) Subject to sub-paragraph (3), the regulator must start the procedure for determining an application for the grant of an environmental permit within one month of the operator providing the information referred to in paragraph (1) and must inform the operator of the start of the procedure.

(3) Sub-paragraph (2) applies only when the operator has submitted a duly made application.

Exercise of relevant function E+W

4.—(1) The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the MCPD—

- (a) Article 4;
- (b) Article 5(1) and (2);
- (c) Article 5(6);
- (d) Article 6(1);
- (e) Article 6(2);
- (f) Article 6(7);
- (g) Article 6(13);
- (h) Article 7 (except Article 7(8));
- (i) Article 8(2) and (3);
- (j) Article 9.

(2) In exercising its relevant functions, the regulator must ensure that there is no persistent emission of dark smoke, where “dark smoke” has the meaning given in section 3(1) of the Clean Air Act 1993.

(3) In exercising its relevant functions so as to ensure compliance with Article 6(1), (2), (7) or (13) of the MCPD, the regulator must ensure that environmental permits include emission limit values set in accordance with the provisions of Part 2 of this Schedule.

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PART 2 **E+W**

Emission Limit Values

Interpretation of this Part **E+W**

5. In this Part—

^{F3}

“Annex I” means Annex I of the MCPD;

“Annex II” means Annex II of the MCPD;

“biomass”, “dust”, “emission limit value”, “micro isolated system”, “nitrogen oxides”, “operating hours”, [^{F4}and] “small isolated system” ^{F5}... have the respective meanings given in article 3 of the MCPD;

any reference to emissions expressed in mg/Nm³ is to those emissions defined in accordance with the first paragraph of Annex II.

Textual Amendments

- F3** Words in Sch. 25A Pt. 2 para. 5 omitted (31.12.2020) by virtue of The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/39), regs. 1, **2(27)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in Sch. 25A Pt. 2 para. 5 inserted (31.12.2020) by The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/39), regs. 1, **2(27)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Sch. 25A Pt. 2 para. 5 omitted (31.12.2020) by virtue of The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/39), regs. 1, **2(27)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

Emission limit values **E+W**

6.—(1) Sub-paragraphs (2) to (4) apply, subject to paragraphs 7 to 11.

(2) From 20th December 2018, emission limit values applicable to a new medium combustion plant, for emissions into the air of sulphur dioxide, nitrogen oxides and dust, are the corresponding emission limit values set out in Part 2 of Annex II (but with the modification that footnote (3) in Table 2 of that Part is to be read as if for “may be” there were substituted “are”).

(3) From 1st January 2025, emission limit values applicable to an existing medium combustion plant with a rated thermal input greater than 5 megawatts, for emissions into the air of sulphur dioxide, nitrogen oxides and dust, are the corresponding emission limit values set out in Tables 2 and 3 of Part 1 of Annex II.

(4) From 1st January 2030, emission limit values applicable to an existing medium combustion plant with a rated thermal input of less than or equal to 5 megawatts, for emissions into the air of sulphur dioxide, nitrogen oxides and dust, are the corresponding emission limit values set out in Tables 1 and 3 of Part 1 of Annex II.

Limited operating hours – existing medium combustion plants **E+W**

7.—(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

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emission limit values set out in Tables 1, 2, and 3 of Part 1 of Annex II, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex I.

(2) An existing medium combustion plant is not required to comply with the emission limit values set out in Tables 1, 2, and 3 of Part 1 of Annex II where it operates for no more than 1,000 operating hours per year, as a rolling average over a period of five years to—

- (a) provide backup power production in islands connected to an electricity transmission system or distribution system, in the event of an interruption of the main power supply to an island; or
- (b) produce heat in cases of exceptionally cold weather events,

provided that the operator has signed a declaration in accordance with paragraph 7 of Annex I.

(3) Subject to sub-paragraph (4), where an existing medium combustion plant firing solid fuels falls within sub-paragraph (1) or sub-paragraph (2), an emission limit value for dust of 200mg/Nm³ applies.

(4) In the case of an existing medium combustion plant falling within sub-paragraph (2)(b), the emission limit value for dust in sub-paragraph (3) only applies during any period which has been notified by the appropriate authority to the regulator as an exceptionally cold weather event.

(5) For the purposes of sub-paragraph (2)(a), “transmission system” and “distribution system” have the meanings given in section 4(4) of the Electricity Act 1989.

Limited operating hours - new medium combustion plants E+W

8.—(1) 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 II, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex I.

(2) Where a new medium combustion plant firing solid fuels falls within sub-paragraph (1), an emission limit value for dust of 100mg/Nm³ applies.

Small and micro isolated systems – existing medium combustion plants E+W

9. Existing medium combustion plants which are part of a small isolated system or a micro isolated system are only required to comply with the emission limit values set out in Tables 1, 2 and 3 of Part 1 of Annex II from 1st January 2030.

Plant at gas compressor stations – existing medium combustion plants E+W

10. An existing medium combustion plant—

- (a) with a rated thermal input greater than 5 megawatts; and
- (b) which is used to drive gas compressor stations required to ensure the safety and security of a national gas transmission system,

is only required to comply with the emission limit values for nitrogen oxides set out in Table 3 of Part 1 of Annex II from 1st January 2030.

Temporary derogations – existing and new medium combustion plants E+W

11.—(1) This sub-paragraph applies in relation to a medium combustion plant which normally uses low sulphur fuel, where the operator is unable to comply with the relevant emission limit values for sulphur dioxide in paragraph 6 because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.

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(2) Where sub-paragraph (1) applies, the regulator may grant a derogation from the obligation to comply with those emission limit values for such period, up to a maximum of six months, as the operator satisfies the regulator is justified under the circumstances.

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

- (a) the plant has to resort exceptionally to the use of other fuels because of an interruption in the supply of gas; and
- (b) as a result of using those other fuels, the plant would need to be equipped with secondary abatement equipment in order to comply with the relevant emission limit values for sulphur dioxide, nitrogen oxides and dust in paragraph 6.

(4) Where sub-paragraph (3) applies, the regulator may grant a derogation from the obligation to comply with the relevant emission limit values in paragraph 6—

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

(5) Where the regulator grants a derogation under sub-paragraph (2) or (4), the regulator must inform the appropriate authority immediately.]

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 2(3) inserted by [S.I. 2023/1156 reg. 2\(6\)](#)
- Sch. 9 Pt. 2 para. 4(5)(aa) inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(6A) inserted by [S.I. 2023/1156 reg. 2\(7\)\(e\)](#)
- Sch. 9 Pt. 2 para. 5(6)(aa) inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(6A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(d\)](#)
- Sch. 9 Pt. 2 para. 5(7A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(11) inserted by [S.I. 2023/1156 reg. 2\(8\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(1)(ba) inserted by [S.I. 2023/1156 reg. 2\(9\)\(d\)](#)
- Sch. 9 Pt. 2 para. 6(1)(h) inserted by [S.I. 2023/1156 reg. 2\(9\)\(h\)](#)
- Sch. 9 Pt. 2 para. 8 inserted by [S.I. 2023/1156 reg. 2\(12\)](#)
- Sch. 9 Pt. 2 para. 7(3)(d)-(f) omitted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(f)-(h) omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(vi\)](#)
- Sch. 9 Pt. 2 para. 7(5) omitted by [S.I. 2023/1156 reg. 2\(11\)\(d\)](#)
- Sch. 9 Pt. 2 para. 2(2)(a) substituted by [S.I. 2023/1156 reg. 2\(5\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(2) substituted by [S.I. 2023/1156 reg. 2\(7\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(2) substituted by [S.I. 2023/1156 reg. 2\(8\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(8) substituted by [S.I. 2023/1156 reg. 2\(8\)\(g\)](#)
- Sch. 9 Pt. 2 para. 6(1)(b) substituted by [S.I. 2023/1156 reg. 2\(9\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(f) substituted by [S.I. 2023/1156 reg. 2\(9\)\(f\)](#)
- Sch. 9 Pt. 2 para. 4(6)(a)-(j) substituted for Sch. 9 Pt. 2 para. 4(6)(a)-(d) by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(8)(9) substituted for Sch. 9 Pt. 2 para. 4(8) by [S.I. 2023/1156 reg. 2\(7\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(2)(b) word inserted by [S.I. 2023/1156 reg. 2\(5\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word inserted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(6) word omitted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(bb\)](#)
- Sch. 9 Pt. 2 para. 5(7) word omitted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word omitted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) word substituted by [S.I. 2023/1156 reg. 2\(4\)\(a\)](#)
- Sch. 9 Pt. 2 para. 2(2) word substituted by [S.I. 2023/1156 reg. 2\(5\)\(a\)](#)
- Sch. 9 Pt. 2 para. 4(3) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(6) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(aa\)](#)
- Sch. 9 Pt. 2 para. 1(2) words inserted by [S.I. 2023/1156 reg. 2\(3\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(b\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(5)(b) words inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(6)(b) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(7) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iv\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(v\)](#)
- Sch. 9 Pt. 2 para. 6(1) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(a\)](#)
- Sch. 9 Pt. 2 para. 6(1)(a) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(b\)](#)

- Sch. 9 Pt. 2 para. 6(1)(c) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(1)(d) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(1)(e) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(2)(a) words inserted by [S.I. 2023/1156 reg. 2\(10\)\(a\)](#)
- Sch. 9 Pt. 2 para. 7(2)(a) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(a\)](#)
- Sch. 9 Pt. 2 para. 7(3)(a) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(i\)](#)
- Sch. 9 Pt. 2 para. 7(3)(c) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(c) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(iv\)](#)
- Sch. 9 Pt. 2 para. 7(4)(e) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(v\)](#)
- Sch. 9 Pt. 2 para. 2(1) words omitted by [S.I. 2023/1156 reg. 2\(4\)\(d\)](#)
- Sch. 9 Pt. 2 para. 7(4) words omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(c\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(e\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(f\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(7) words substituted by [S.I. 2023/1156 reg. 2\(7\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(5) words substituted by [S.I. 2023/1156 reg. 2\(8\)\(b\)](#)
- Sch. 9 Pt. 2 para. 5(10) words substituted by [S.I. 2023/1156 reg. 2\(8\)\(h\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) words substituted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(2)(b) words substituted by [S.I. 2023/1156 reg. 2\(10\)\(b\)](#)
- Sch. 9 Pt. 2 para. 7(4)(a) words substituted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(b) words substituted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(iii\)](#)