
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 33

**The Pollution Prevention and Control (Industrial Emissions)
(Amendment) Regulations (Northern Ireland) 2018**

PART 2

**Amendment of the Pollution Prevention and Control
(Industrial Emissions) Regulations (Northern Ireland) 2013**

Schedule 9A (Medium Combustion Plant: Medium Combustion Plant Directive)

6. After Schedule 9 insert—

“SCHEDULE 9A

Regulation 7

Medium Combustion Plant

PART 1

General

Application

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 paragraph 5 of Part 2 of Schedule 3, as appropriate.

Interpretation

2. When interpreting the MCPD for the purposes of this Schedule—
 - (a) an expression that is defined in Part 1 of these Regulations has the meaning given in that Part;
 - (b) the competent authority is the enforcing authority;
 - (c) “general binding rule” means a rule published under regulation 16.

Applications for the grant of a permit

- 3.—(1) The enforcing authority must ensure that every application for the grant of a permit—
 - (a) includes the information specified in Annex I to the MCPD;

(b) specifies which (if any) of paragraphs 7 to 11 of Part 2 of this Schedule is considered relevant to the application.

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

(3) Sub-paragraph (2) applies only when the operator has submitted an application that complies with sub-paragraph (1).

Exercise of relevant function

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

- (a) Article 4;
- (b) Articles 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) Articles 8(2) and (3); and
- (i) Article 9.

(2) In exercising its relevant functions, the enforcing authority must ensure that there is no persistent emission of dark smoke, where “dark smoke” has the meaning given in section 2(3) of Clean Air (Northern Ireland) Order 1981(1).

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

PART 2

Emission Limit Values

Interpretation of this Part

5. In this Part—

“Ambient Air Quality Directive” means [Directive 2008/50/EC](#) of the European Parliament and of the Council of 21st May 2008 on ambient air quality and cleaner air for Europe(2);

“Annex I” means Annex I of the MCPD;

“Annex II” means Annex II of the MCPD;

(1) [S.I. 1981/158](#)

(2) [OJ No L 152, 11.6.2008, p1](#)

“biomass”, “dust”, “emission limit value”, “micro isolated system”, “nitrogen oxides”, “operating hours”, “small isolated system” and “zone” have the respective meanings given in Article 3 of the MCPD; and

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

Emission limit values

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

(2) From 20th December 2018, emissions into the air of sulphur dioxide, nitrogen oxides and dust from a new medium combustion plant must not exceed the 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, emissions into the air of sulphur dioxide, nitrogen oxides 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 II.

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

Limited operating hours – existing medium combustion plants

7.—(1) An existing medium combustion plant which operates for no more than 500 operating hours per year, is not required to comply with the 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 1000 operating hours per year to 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, provided that the operator has signed a declaration in accordance with paragraph 7 of Annex I.

(3) 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) For the purposes of sub-paragraph (2), “transmission system” and “distribution system” have the meanings given in Article 3 of The Electricity (Northern Ireland) Order 1992(3).

Limited operating hours – new medium combustion plants

8.—(1) A new medium combustion plant which operates for no more than 250 operating hours per year, 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

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

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 not required to comply with the emission limit values for nitrogen oxides set out in Table 3 of Part 1 of Annex II before 1st January 2030.

Temporary derogations

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.

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

(a) (5) Where a district council is the enforcing authority and it grants a derogation under sub-paragraphs (2) or (4) it must inform the Department immediately and the Department must inform the European Commission within one month of that derogation being granted.

(b) Where the Department is the enforcing authority and it grants a derogation under sub-paragraphs (2) or (4) it must inform the European Commission within one month of that derogation being granted.”