

## **POLICY NOTE**

### **THE POLLUTION PREVENTION AND CONTROL (SCOTLAND) AMENDMENT REGULATIONS 2017**

#### **SSI 2017/446**

The Regulations are made in exercise of the powers conferred by section 2 and schedule 1 of the Pollution Prevention and Control Act 1999. The Regulations are subject to the affirmative procedure.

#### **Background**

Directive 2015/2193 on Medium Combustion Plants (MCPD) fills the regulatory gap at EU level between large combustion plants (> 50 MW) covered by the Industrial Emissions Directive and smaller appliances (< 1 MW) covered by the Ecodesign Directive.

Medium combustion plants (MCPs) are used to generate heat for large buildings (e.g. offices, hotels, hospitals, prisons) and industrial processes, as well as for power generation. Combustion plants in the MCP range (1-50 MW) are a significant, currently largely unregulated, source of emissions of air pollutants (especially nitrogen dioxide (NO<sub>x</sub>), fine particulate matter (PM) and sulphur dioxide (SO<sub>2</sub>)) which impact on air quality. The MCPD was brought in to address this issue – it requires all MCPs to be registered or permitted and sets limits on the levels of pollutants that these plants can emit depending on their type, size, age, fuel type and annual operating hours. It also sets periodic emissions monitoring requirements to demonstrate compliance with emission limits. Transposing the MCPD will deliver cost effective reductions in pollutant emissions. Implementation of the Directive across the UK will provide an estimated 24% of the SO<sub>2</sub> and 9% of the NO<sub>x</sub> emissions reductions needed to meet the 2030 UK wide national emission ceilings.

#### **Policy objectives**

The Pollution Prevention and Control (Scotland) Regulations 2012 provide a regime for the regulation of certain industrial activities in Scotland.

These Regulations amend the 2012 Regulations to add provisions relating to MCPs. Some MCPs were already within scope of the permitting regime in the 2012 Regulations, and in those cases the provisions inserted by Part 2 of these Regulations will impose additional requirements.

These Regulations provide that no MCP brought into operation after 20th December 2018 can operate without a permit or being registered. In relation to MCPs already in operation as at that date, those with a rated thermal input above 5 MW are brought within the permitting regime from 1st January 2024, and those with a rated thermal input of 1 to 5 MW are brought within the permitting regime from 1st January 2029. MCPs are required to comply with emission limit values for sulphur dioxide, nitrogen oxides and fine particulate matter, subject to specified exceptions.

These Regulations also amend the 2012 Regulations to make a minor addition to schedule 1A to clarify the scope of an exemption from the requirements of that Schedule. Regulation 17

makes amendments to the Air Quality Standards (Scotland) Regulations 2010 to transpose the MCPD. The amendments require that when preparing an air quality plan, the Scottish Ministers must consider whether to include measures imposing lower emission limit values for MCPs than those set out in the MCPD, if that would make an improvement to air quality.

### **Consultation and Impact Assessment**

A consultation on the transposition proposals was undertaken between December 2016 and March 2017. An analysis of consultation responses and the Scottish Government's conclusions can be found at <https://consult.scotland.gov.uk/environmental-quality/implementation-medium-combustion-plant-directive/results/mcpd-consultation---analysis-of-responses.pdf> This was accompanied by a UK wide impact assessment containing disaggregated figures for the devolved administrations.

### **Financial effects**

The impact assessment estimates total annualised costs in Scotland in 2030 (compliance, administration and monitoring) of £3.8 million, against total annualised monetised benefits of £30.5 million.

**Scottish Government**  
**Directorate for Environment & Forestry**

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