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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 446**

**The Pollution Prevention and Control  
(Scotland) Amendment Regulations 2017**

**Interpretation: medium combustion plant**

5. After regulation 3, insert—

**“Interpretation: medium combustion plant**

**3A.—(1)** In these Regulations—

“existing medium combustion plant” means a medium combustion plant put into operation before 20th December 2018 or for which a permit was granted before 19th December 2017 provided that the plant is put into operation no later than 20th December 2018,

“medium combustion plant” means a combustion plant with a rated thermal input equal to or greater than 1 megawatt and less than 50 megawatts but does not include—

- (a) combustion plants covered by Chapter III or IV of the Industrial Emissions Directive,
- (b) combustion plants covered by Regulation (EU) 2016/1628 of the European Parliament and of the Council on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery<sup>(1)</sup>,
- (c) on-farm combustion plants with a total rated thermal input less than or equal to 5 megawatts, that exclusively use unprocessed poultry manure, as referred to in Article 9(a) of Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002<sup>(2)</sup>, as a fuel,
- (d) combustion plants in which the gaseous products of combustion are used for the direct heating, drying or any other treatment of objects or materials,
- (e) combustion plants in which the gaseous products of combustion are used for direct gas-fired heating used to heat indoor spaces for the purpose of improving workplace conditions,
- (f) post-combustion plants designed to purify the waste gases from industrial processes by combustion, and which are not operated as independent combustion plants,
- (g) any technical apparatus used in the propulsion of a vehicle, ship or aircraft,
- (h) gas turbines and gas and diesel engines, when used on offshore platforms,
- (i) facilities for the regeneration of catalytic cracking catalysts,

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(1) OJ L 252, 16.9.2016, p.53. Article 64 repeals Directive 97/68/EC (OJ L 59, 27.2.1998, p.1).

(2) OJ L 300, 14.11.2009, p.1, last amended by Council Regulation (EU) 1385/2013 (OJ L 354, 28.12.2013, p.86).

- (j) facilities for the conversion of hydrogen sulphide into sulphur,
  - (k) reactors used in the chemical industry,
  - (l) coke battery furnaces,
  - (m) cowpers,
  - (n) crematoria,
  - (o) combustion plants firing refinery fuels alone or with other fuels for the production of energy within mineral oil and gas refineries,
  - (p) recovery boilers within installations for the production of pulp, and
- “new medium combustion plant” means a medium combustion plant which is not an existing medium combustion plant.

(2) For the purposes of regulation 26A, a combination formed by two or more new medium combustion plants is to be treated as a single new medium combustion plant and their rated thermal input is added together for the purpose of calculating the total rated thermal input of the plant where—

- (a) the waste gases of the plant are discharged through a common stack, or
- (b) the waste gases of the plant could be discharged through a common stack in the opinion of SEPA, taking into account technical and economic factors.”.