
STATUTORY INSTRUMENTS

2013 No. 390

The Environmental Permitting (England
and Wales) (Amendment) Regulations 2013

PART 2

Amendments of the principal Regulations

Schedule 15 (large combustion plants)

52.—(1) In Schedule 15 to the principal Regulations, for paragraph 1 substitute—

“1.—(1) This Schedule applies until 1st January 2016 in relation to every existing installation that is a combustion plant to which the Large Combustion Plants Directive applies by virtue of Article 1 of that Directive.

(2) This Schedule ceases to apply on 1st January 2016.”.

(2) After Schedule 15 to the principal Regulations, insert—

“SCHEDULE 15A

Regulation 35(2)(i)

Large Combustion Plants: Industrial Emissions Directive

Application

1. This Schedule applies—

- (a) in relation to every new large combustion plant;
- (b) from 1st January 2016 in relation to every existing installation that is a large combustion plant.

Interpretation

2.—(1) In this Schedule—

“combustion plant” has the meaning given in Article 3(25) of the Industrial Emissions Directive;

“large combustion plant” means a combustion plant with a total rated thermal input of 50 megawatts or more to which chapter III of the Industrial Emissions Directive applies;

“new large combustion plant” means a large combustion plant which is not an existing installation.

(2) When interpreting the Industrial Emissions Directive for the purposes of this Schedule—

- (a) except where defined in this paragraph, an expression that is defined in Part 1 of these Regulations has the meaning given in that Part;
- (b) the competent authority is—

- (i) for the purposes of exercising a judgement as to whether there is an overriding need to maintain energy supplies under Articles 30(6) and 37 the Industrial Emissions Directive, the appropriate authority;
- (ii) otherwise, the regulator;
- (c) “permit” means environmental permit.

Exercise of relevant functions

3. The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Industrial Emissions Directive—

- (a) Article 29;
- (b) Article 30(1) to (8), except the second sub-paragraph of 30(5) and the last sub-paragraph of 30(6);
- (c) Article 31(1) and (2);
- (d) Article 32(2) and (3);
- (e) Article 33 except 33(2);
- (f) Article 34(1) and (2);
- (g) Article 35(1);
- (h) Article 37;
- (i) Article 38;
- (j) Article 39;
- (k) Article 40.

Interruption in supply of fuel

4. The regulator must—

- (a) immediately inform the appropriate authority of any derogation under Article 30(5) of the Industrial Emissions Directive;
- (b) immediately inform the appropriate authority if it considers that a derogation in accordance with Articles 30(6) or 37(2) of the Industrial Emissions Directive is or might be appropriate.”.