
STATUTORY INSTRUMENTS

2013 No. 971

**The Offshore Combustion Installations (Pollution
Prevention and Control) Regulations 2013**

PART 1

Introduction

Citation, commencement and review

1.—(1) These Regulations may be cited as the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 and come into force on 19th May 2013.

(2) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(4) The first report under this regulation must be published before the end of the period of five years beginning on the date these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Interpretation

2.—(1) In these Regulations—

“the 2010 Directive” means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)(Recast)(**1**);

“available techniques” means those techniques developed on a scale which allows implementation under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced in the United Kingdom, the offshore area or the relevant gas area, as long as they are reasonably accessible to the operator;

“best” means most effective in achieving a high general level of protection of the environment as a whole;

“best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole;

“carbon dioxide storage or unloading platform” means any fixed or floating structure—

- (a) used for or in connection with an activity within section 17(2) of the Energy Act 2008⁽²⁾ (“a section 17(2) activity”) but not including—
 - (i) a structure the principal purpose of which is an activity within section 17(2)(c) of that Act; or
 - (ii) a floating structure unless it is being maintained on station during the course of a section 17(2) activity; and
- (b) where the section 17(2) activity is licensed under section 18 of that Act by the Secretary of State;

“combustion installation” means any technical apparatus in which fuels are oxidised in order to use the heat thus generated;

“EIA Directive” means Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment⁽³⁾, as amended by Council Directive [97/11/EC](#)⁽⁴⁾, Directive [2003/35/EC](#) of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives [85/337/EEC](#) and [96/61/EC](#)⁽⁵⁾ and Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive [85/337/EEC](#), European Parliament and Council Directives [2000/60/EC](#), [2001/80/EC](#), [2004/35/EC](#), [2006/12/EC](#), [2008/1/EC](#) and Regulation (EC) No 1013/2006⁽⁶⁾;

“emerging technique” means a novel technique that, if commercially developed, could provide—

- (a) a higher general level of protection of the environment; or
- (b) at least the same level of such protection and higher cost savings, compared to existing best available techniques;

“emission” means the direct or indirect release of a pollutant listed in Schedule 2 from individual or diffuse sources in the offshore combustion installation into a medium;

“emission limit value” means the mass, expressed in terms of any of all of certain specific parameters, concentration or level of an emission, which may not be exceeded during one or more periods of time;

“enforcement notice” means, except in regulation 38, a notice given by the Secretary of State under regulation 30;

“fuel” means any liquid or gaseous combustible material;

“Gas Importation and Storage Zone” has the same meaning as it has in section 1(5) of the Energy Act 2008⁽⁷⁾;

“gas storage or unloading platform” means any fixed or floating structure—

(2) [2008 c. 32](#).

(3) OJ No L 175, 5.7.1985, p40.

(4) OJ No L 73, 14.3.1997, p5.

(5) OJ No L 156, 25.6.2003, p17.

(6) OJ No L 140, 5.6.2009, p114.

(7) [2008 c. 32](#).

- (a) used for or in connection with an activity within section 2(3) of the Energy Act 2008 except where the principal purpose of the structure is an activity within section 2(3)(e) of that Act; but
- (b) excluding a floating structure which is not being maintained on station during the course of an activity to which paragraph (a) applies;

“medium” means air or water;

“member State” includes Iceland and Norway;

“mile” means nautical mile;

“offshore area” means the areas comprising—

- (a) the sea adjacent to England from the low water mark to the landward baseline of the United Kingdom territorial sea;
- (b) the United Kingdom territorial sea adjacent to—
 - (i) England; and
 - (ii) Scotland, Wales and Northern Ireland except that part which extends seaward for 3 miles from the landward baseline; and
- (c) the sea in any designated area within the meaning of the Continental Shelf Act 1964⁽⁸⁾, and includes the places above those areas and the bed and subsoil of the sea within those areas;

“offshore combustion installation” means a combustion installation which is permanently installed on—

- (a) a petroleum platform situated in the offshore area;
- (b) a gas storage or unloading platform situated in the relevant gas area; or
- (c) a carbon dioxide storage or unloading platform,

and which on its own or together with any other combustion installation on the same platform has a rated thermal input which is equal to or exceeds 50 megawatts;

“operator” means a person who operates or controls, in whole or part, an offshore combustion installation;

“permit” means a written permission granted by the Secretary of State to operate an offshore combustion installation;

“petroleum” has the same meaning as it has in section 1 of the Petroleum Act 1998⁽⁹⁾;

“petroleum platform” means any fixed or floating structure used for, or in connection with, the production of petroleum but excluding—

- (a) a floating structure which is not being maintained on station during the course of production; or
- (b) a structure the principal purpose of which is—
 - (i) to establish the existence of petroleum;
 - (ii) to appraise the characteristics, quality or quantity of petroleum; or
 - (iii) to appraise the characteristics or extent of any reservoir in which petroleum occurs;

“pollution” means the direct or indirect introduction, as a result of human activity, of a pollutant listed in Schedule 2 into a medium, which may—

- (a) be harmful to human health or the quality of the environment;

⁽⁸⁾ 1964 c. 29.

⁽⁹⁾ 1998 c. 17.

(b) result in damage to material property; or

(c) impair or interfere with amenities and other legitimate uses of the environment;

“prohibition notice” means, except in regulation 38, a notice given by the Secretary of State under regulation 31;

“relevant gas area” means the areas comprising—

(a) the sea areas described in paragraphs (a) and (b) of the definition of “the offshore area”;
and

(b) the sea in a Gas Importation and Storage Zone,

and includes the places above those areas and the bed and subsoil of the sea within those areas;

“relevant platform” means, as appropriate,—

(a) a carbon dioxide storage or unloading platform;

(b) a gas storage or unloading platform; or

(c) a petroleum platform;

“surrender offer” has the meaning given in regulation 17(1);

“techniques” includes both the technology used and the way in which the offshore combustion installation is designed, built, maintained, operated and decommissioned.

(2) A term used in these Regulations which is not defined in paragraph (1) and which is used in the 2010 Directive, has the same meaning in these Regulations as it has in the 2010 Directive.