
STATUTORY INSTRUMENTS

2018 No. 110

The Environmental Permitting (England and Wales) (Amendment) Regulations 2018

PART 3

Amendment of other Regulations

Amendment of the Air Quality Standards Regulations 2010

18.—(1) The Air Quality Standards Regulations 2010 are amended as follows.

(2) In regulation 26—

(a) after paragraph (5) insert—

“(5A) The air quality plan must include an assessment of the need to apply lower emission limit values for individual medium combustion plants than those set out in [Directive 2015/2193/EU](#) of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (“the Medium Combustion Plant Directive”) provided that, in the opinion of the Secretary of State, applying such emission limit values would effectively contribute to a noticeable improvement of air quality.

(5B) In considering whether to impose lower emission limit values, the Secretary of State must take into account the results of the information exchange referred to in Article 6(10) of the Medium Combustion Plant Directive.”

(b) after paragraph (7) insert—

“(8) In this regulation—

“emission limit values” has the meaning given in paragraph 5 of Schedule 25A to the Environmental Permitting (England and Wales) Regulations 2016, and

“medium combustion plants” has the meaning given in paragraph 2(1) of Schedule 25A to those Regulations.”

Amendment of the Air Quality Standards (Wales) Regulations 2010

19.—(1) The Air Quality Standards (Wales) Regulations 2010 are amended as follows.

(2) After regulation 20(8) insert—

(a) in the English language text—

“(9) The air quality plan must include an assessment of the need to apply lower emission limit values for individual medium combustion plants than those set out in [Directive 2015/2193/EU](#) of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (“the Medium Combustion Plant Directive”) provided that, in the opinion of the Welsh

Ministers, applying such emission limit values would effectively contribute to a noticeable improvement of air quality.

(10) In considering whether to impose lower emission limit values, the Welsh Ministers must take into account the results of the information exchange referred to in Article 6(10) of the Medium Combustion Plant Directive.

(11) In this regulation—

“emission limit values” has the meaning given in paragraph 5 of Schedule 25A to the Environmental Permitting (England and Wales) Regulations 2016, and

“medium combustion plants” has the meaning given in paragraph 2(1) of Schedule 25A to those Regulations.”,

(b) in the Welsh language text insert—

“(9) Rhaid i’r cynllun ansawdd aer gynnwys asesiad o’r angen i gymhwyso gwerthoedd terfyn allyriadau is ar gyfer gweithfeydd hylosgi canolig unigol na’r rhai a nodir yng Nghyfarwyddeb 2015/2193/EU Senedd Ewrop a’r Cyngor ar 25 Tachwedd 2015 ar gyfyngu ar allyriadau llygryddion penodol i’r aer o weithfeydd hylosgi canolig (“y Gyfarwyddeb Gweithfeydd Hylosgi Canolig”) ar yr amod, ym marn Gweinidogion Cymru, y byddai cymhwyso gwerthoedd terfyn allyriadau o’r fath yn cyfrannu’n effeithiol at welliant amlwg yn ansawdd yr aer.

(10) Wrth ystyried a ddylid gosod gwerthoedd terfyn allyriadau is, rhaid i Weinidogion Cymru ystyried canlyniadau’r cyfnewid gwybodaeth y cyfeirir ato yn Erthygl 6(10) o’r Gyfarwyddeb Gweithfeydd Hylosgi Canolig.

(11) Yn y rheoliad hwn—

mae i “gwerthoedd terfyn allyriadau” yr un ystyr ag a roddir i “emission limit values” ym mharagraff 5 o Atodlen 25A i Reoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016; ac

mae i “gweithfeydd hylosgi canolig” yr un ystyr ag a roddir i “medium combustion plants” ym mharagraff 2(1) o Atodlen 25A i’r Rheoliadau hynny.”.