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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under section 2 of the Pollution Prevention and Control Act 1999 (1999 c. 24). They partly implement in Scotland the provisions of Council Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants. The remaining provisions of the Directive are being implemented in Scotland by means of Directions issued to the Scottish Environment Protection Agency. These Directions are the Environmental Protection (Combustion Plants) (Scotland) Directions 2002, made on 5th November 2002 and entering into force on 27th November 2002, and the Pollution Prevention and Control (Combustion Plants) (Scotland) Directions 2002, made on 5th November 2002 and entering into force on 27th November 2002. Copies of these Directions are available at [www.scotland.gov.uk/environment/airquality/publications.asp](http://www.scotland.gov.uk/environment/airquality/publications.asp)

Regulation 3 supplements the definition of “substantial change in operation” in regulation 2(2) of the Pollution Prevention Control (Scotland) Regulations 2000 (S.S.I. 2000/323) to give effect in part to article 10 of the Directive, by expressly including the extension of a combustion plant by 50 megawatts or more.

Regulation 4 provides that where a new plant is subject to a permit but the plant is not put into operation before 28th November 2003, the permit shall cease to authorise the operation of the plant until the Scottish Environment Protection Agency has varied the permit to give effect to the requirements of the Directive. This implements in part article 4(2) of the Directive.

Regulation 5 sets out requirements which new plants subject to an authorisation or permit must comply with from 27th November 2002. These requirements are deemed to be included in the authorisation or permit from that date. This implements in part articles 5(1) and 7(1), and paragraph 6 of Part A of Annex VIII of the Directive.

These Regulations extend to Scotland only.