
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 493

The Large Combustion Plants (Scotland) Regulations 2002

Deemed conditions in authorisations and permits

5.—(1) Where on 27th November 2002—

- (a) a new plant is subject to an authorisation or a permit; and
- (b) the plant benefits from the derogation in Article 5(1) of Council Directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants⁽¹⁾ by virtue of operating between 2000 and 2200 hours a year,

any condition in the authorisation or permit applying that derogation shall, in so far as it applies that derogation, cease to have effect and the relevant emission limit values prescribed in Articles 4(1) and 17(2) of the Directive shall apply to the plant.

(2) Paragraph (1) shall cease to apply in relation to any authorisation or permit which is varied by SEPA under Part I of the 1990 Act or regulation 13 of the 2000 Regulations so as to give effect, in relation to the plant, to Article 5(1) of the Directive.

(3) Where a combustion plant is subject to an authorisation or a permit on 27th November 2002, the authorisation or permit shall be read as containing the following additional condition—

“In the event of malfunction or breakdown of the abatement equipment, the operator shall, if a return to normal operation is not achieved within 24 hours, reduce or close down operations or use low-polluting fuels, or take such other steps as SEPA requires. The cumulative duration of unabated operation in any twelve month period shall not, unless agreed in advance by SEPA, exceed 120 hours.”.

(4) Paragraph (3) shall cease to apply in relation to any authorisation or permit which is varied by SEPA under Part I of the 1990 Act or regulation 13 of the 2000 Regulations so as to give effect, in relation to the plant, to Article 7(1) of the Directive.

(5) Where a new plant is, on 27th November 2002, subject to an authorisation or a permit the authorisation or permit shall be read as containing the following additional condition—

“The values of the 95% confidence intervals of single measured result shall not exceed the following percentages of the emission limit values:

Sulphur dioxide	20%
Nitrogen oxides	20%
Dust	30%

The validated hourly and daily average values shall be determined from the measured valid hourly average values after having subtracted the value of the confidence interval specified above.

Any day in which more than three hourly average values are invalid due to malfunction or maintenance of the continuous measurement system shall be invalidated.”.

(1) O.J.E.C. L 336, 7.12.88, page 1.

(6) Paragraph (5) shall cease to apply in relation to any authorisation or permit which is varied by SEPA under Part I of the 1990 Act or regulation 13 of the 2000 Regulations so as to give effect in relation to the plant to paragraph 6 of Part A of Annex VIII to the Directive.