

SCHEDULE 15

Provision in relation to certain combustion plants

Exercise of relevant functions

3.—(1) The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Large Combustion Plants Directive—

- (a) Article 4(1), (2) and (4);
- (b) Article 5(1);
- (c) Article 6;
- (d) Article 7, except the last sentence of 7(2) and the last sentence of 7(3);
- (e) Article 8;
- (f) Article 9;
- (g) Article 10;
- (h) Article 12;
- (i) Article 13;
- (j) Article 14(1), 14(2) and 14(4).

(2) The regulator must—

- (a) exercise its relevant functions in relation to a regulated facility which—
 - (i) is an existing plant, and
 - (ii) elects to comply with the emission limit values established under Article 4(1) of the Large Combustion Plants Directive,
so as to ensure compliance with Article 4(3)(a) of that Directive; and
- (b) exercise its relevant functions in relation to a regulated facility which is included in the national emission reduction plan referred to in Article 4(6) of the Large Combustion Plants Directive so as to ensure compliance with Article 4(3)(b) of that Directive, to the extent that such compliance is not ensured by the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007(1).

(3) The regulator must—

- (a) immediately inform the appropriate authority of any suspension under Article 7(2) or derogation under Article 7(3) of the Large Combustion Plants Directive;
- (b) immediately inform the appropriate authority if it considers a judgment of whether there is an overriding need to maintain energy supplies under Article 7(1) or 7(3) of the Large Combustion Plants Directive must be made; and
- (c) exercise its relevant functions in relation to such a judgment in accordance with the decision of that authority.