

**THE POLLUTION PREVENTION AND CONTROL
(COMBUSTION PLANTS) (WALES)
DIRECTIONS 2007**

The Welsh Ministers, in exercise of the powers conferred on them by regulations 12(15) and 36 of the Pollution Prevention and Control (England and Wales) Regulations 2000¹, hereby give the following Directions to the Environment Agency with respect to the carrying out of its functions under those Regulations².

Citation, commencement and application

1. These Directions apply to Wales and may be cited as the Pollution Prevention and Control (Combustion Plants) (Wales) Directions 2007 and shall come into force on the day after the date on which these Directions are given by the Welsh Ministers to the Environment Agency.

Interpretation

2. In these Directions:

“Annex of Tables for the UK National Plan” means the annex of tables for inclusion in the UK’s national plan under the Directive dated February 2006 as amended and published on the Defra website³;

“Directive” means Council Directive 2001/80/EC⁴ on the limitation of emissions of certain pollutants into the air from large combustion plants;

“existing plant” and “new plant” have the meanings given in Article 2 of the Directive;

“emission allowance” has the same meaning as in regulation 2 of the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007⁵;

“National Emission Reduction Plan” means the plan submitted to the European Commission pursuant to Article 4(6) of the Directive on 28 February 2006 as amended to take account of changes following notification to the Commission and published on the Defra website;⁶

¹ S.I. 2000/1973

² The Secretary of State’s functions under the Pollution Prevention and Control (England and Wales) Regulations 2000 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 2005, S.I. 2005/1958. By virtue of section 162, and paragraph 30, of Schedule 11 to the Government of Wales Act 2006 those functions are now exercisable by the Welsh Ministers.

³ <http://www.defra.gov.uk/environment/airquality/eu-int/eu-directives/lcpd>

⁴ OJ No. L309, 27.11.2001, p.1

⁵ S.I. 2007/2325

⁶ <http://www.defra.gov.uk/environment/airquality/eu-int/eu-directives/lcpd>

“NERP register” means a register established and maintained by the Environment Agency in accordance with regulation 6 of the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007;

“PPC permit” means a permit granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000;

“transfer of allowances” means any transfer made in accordance with regulation 8 of the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007.

PPC permit conditions for existing plant subject to the National Emission Reduction Plan

3. The Environment Agency shall ensure that all PPC permits relating to existing plants in Wales that are listed in the Annex of Tables for the UK National Plan as being subject to the National Emission Reduction Plan in accordance with Article 4(3)(b) of the Directive contains –

- a) a condition requiring the operator to notify the Environment Agency of any temporary or permanent closure;
- b) a condition requiring the operator to provide reports of actual annual mass emissions to the Environment Agency; and
- c) a condition requiring that the existing plant shall not in any calendar year emit more than the emission allowance as recorded on the NERP register for that plant as adjusted by the Environment Agency following any transfer of allowances made during that year (or up to 31 March in the following calendar year), or as a result of a determination made in accordance with regulation 9 of the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007; and
- d) any other conditions as it considers necessary to give effect to other relevant requirements of the Directive.

PPC permit conditions for existing plant that have opted to comply with emission limit values

4. The Environment Agency shall ensure that all PPC permits relating to existing plants in Wales that are listed in the Annex of Tables for the UK National Plan as having opted to comply with emission limit values as required by Article 4(3)(a) of the Directive shall contain emission limit values in accordance with that Article and any other conditions as it considers necessary to give effect to other relevant requirements of the Directive.

PPC permit conditions for existing plant that have opted for the limited life derogation

5. The Environment Agency shall ensure that all PPC permits relating to existing plants in Wales that are listed in the Annex of Tables for the UK National Plan as having opted for the limited life derogation in accordance with Article 4(4) of the Directive shall contain conditions as it considers necessary to give effect to the relevant requirements of the Directive.

PPC permit conditions for new plant

6. The Environment Agency shall ensure that all PPC permits for new plants shall contain conditions relating to compliance with emission limit values in accordance with Article 4(1) or (2) of the Directive, as appropriate, and any other conditions as it considers necessary to give effect to other relevant requirements of the Directive.

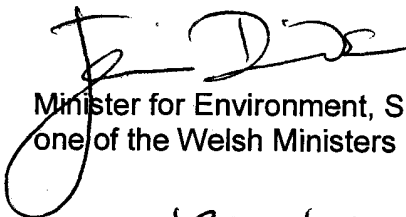
Security of energy supplies

7. In any case where Article 7(1) or (3) of the Directive applies, the Environment Agency shall refer to the Welsh Ministers the question of whether there is "an overriding need to maintain energy supplies" in Wales.

Revocation

8. The following Directions are revoked in so far as they applied to Wales:
- a) Pollution Prevention and Control (Combustion Plants) (England and Wales) Directions 2002;
 - b) Pollution Prevention and Control (Combustion Plants) (England and Wales) Directions 2004;
 - c) Pollution Prevention and Control (Combustion Plants) (England and Wales) Directions 2005;
 - d) Pollution Prevention and Control (Combustion Plants) (England and Wales) (No. 2) Directions 2005.

Signed by



Minister for Environment, Sustainability and Housing,
one of the Welsh Ministers

Date: 13/12/07