



Notification Number: 2017/390/UK

Amendment to the Environmental Permitting (England and Wales) Regulations 2017

Date received : 18/08/2017

End of Standstill : Closed

Message

Message 001

Communication from the Commission - TRIS/(2017) 02219

Directive (EU) 2015/1535

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2017/0390/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201702219.EN)

1. Structured Information Line

MSG 001 IND 2017 0390 UK EN 18-08-2017 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Energy and Industrial Strategy
Europe Directorate
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3. Originating Department

Department for Environment Food and Rural Affairs
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SW1P 3JR

4. Notification Number

2017/0390/UK - N20E

5. Title

Amendment to the Environmental Permitting (England and Wales) Regulations 2017

6. Products Concerned

Electricity generators defined as:

- a) any single stationary electricity generating combustion plant; or
- b) any group of stationary electricity generating combustion plant located at the same site and providing electricity for the same purpose

with a thermal rated input of between 1MWth and 50MWth or less than 1MWth if subject to a capacity market agreement.

7. Notification Under Another Act

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8. Main Content

This amendment to the Environmental Permitting Regulations will introduce new controls for electricity generators which emit high levels of NO_x relative to other generators. The plants will be permitted and subject to controls depending upon the age of the plant, emission levels, hours of operation and impact on local air quality. The purpose of the controls is to deter a further increase in the use of high NO_x emitting generators, and to reduce emissions and concentrations of key pollutants, to aid compliance with international air quality guidelines, national emission ceilings and the Ambient Air Quality Directive.

9. Brief Statement of Grounds

Recently in England and Wales, there has been rapid growth in the use of low-cost, small scale, mostly diesel generators which emit high levels of NO_x relative to other generators. This increase has largely been driven by energy market incentives designed to ensure there is enough generating capacity on the National Grid. Unless action is taken, this trend could continue over the next few years.

To protect human health, the EU Ambient Air Quality Directive sets NO₂ hourly limits (200 µg/m³, the World Health Organisation guideline levels²) which cannot be breached more than 18 times each year. Modelling of air pollution indicates generators with high NO_x emissions can lead to breaches of the NO₂ hourly limits. An increase in the use of these highly polluting generators could also lead to an avoidable increase in national emissions of NO_x.

The UK is committed to reducing these emissions in accordance with the United Nations Convention on Long-Range Transboundary Air Pollution (specifically, the Gothenburg protocol, agreed in November 1999) which set maximum national emission (emission ceilings) for various pollutants including NO_x from 2010



onwards. The protocol was amended in 2012 to set more stringent ceilings that will apply from 2020; an amendment to the EU National Emissions Ceilings Directive to implement these and set ceilings for 2030 is expected to be agreed shortly.

The proposed generator controls are to be implemented within a similar timeframe to the new EU Medium Combustion Plant Directive requirements, and some generators will fall within scope of both pieces of legislation, therefore a single Statutory Instrument implementing the required amendments to the existing Environmental Permitting Regulations is to be laid, to provide clarity to the operator.

10. Reference Documents - Basic Texts

References of the Basic Texts: Draft Statutory Instrument 'The Environmental Permitting (England and Wales) (Amendment) Regulations 2017'

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Yes

16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

European Commission

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EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

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