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| cid:image001.png@01D27AFB.3D00AC80 | **Offshore Petroleum Regulator for Environment & Decommissioning****Department for Energy Security & Net Zero**AB1 BuildingCrimon PlaceAberdeen AB11 1BJ**E:** opred@energysecurity.gov.uk [**Department of Energy Security & Net Zero**](https://www.gov.uk/government/organisations/department-for-energy-security-and-net-zero) |
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| **20 November 2023** |  |

**THE OFFSHORE COMBUSTION INSTALLATIONS (POLLUTION PREVENTION AND CONTROL) REGULATIONS 2013 No. 971**

**Post Implementation Review Survey 2023**

Dear operator/owner

As part of its regulatory requirements in respect to the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 (as amended) (“the 2013 PPC Regulations (as amended)”), OPRED is required to undertake a periodic post implementation review of the Regulations.

As part of this review, we are seeking information from industry, and in particular holders of PPC permits granted under the 2013 PPC Regulations (as amended), through responses to the attached Survey relating to the Regulations and associated PPC permitting regime.

We would appreciate comprehensive responses to better inform the review and request that they be submitted by **18 December 2023** to opred@energysecurity.gov.uk.

**The Offshore Combustion Installations (Pollution Prevention and Control) Regulations**

**Post Implementation Review Survey**

**Introduction and background**

In accordance with regulation 1(2) - (5) of the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013, the Secretary of State is required to undertake a periodic (usually five-yearly) Post Implementation Review (PIR) of the Regulations and set out the conclusions of the review in a PIR report which must be published. The report of the review must**:**

**(a)** set out the objectives intended to be achieved by the Regulations;

**(b)** assess the extent to which those objectives have been achieved; and

**(c)** assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

The information below on the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 (including historical information and various amendments) may be beneficial to read prior to answering the PIR Survey.

*General overview*

The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 (“the 2013 PPC Regulations”) - which entered into force on 19 May 2013 - were introduced to transpose the appropriate obligations of Directive 2010/75/EU on industrial emissions (“the IED”)[[1]](#footnote-2).

For the purpose of IED transposition, the 2013 PPC Regulations control atmospheric emissions of certain pollutants from specific types of combustion plants on offshore platforms (including fixed and floating structures) [“relevant platforms”] engaged in oil and gas production plus gas and carbon dioxide (CO2) unloading and storage activities on the United Kingdom Continental Shelf and in relevant territorial waters.

The key objective of the IED is to reduce industrial emissions thereby achieving, amongst other things, a high level of protection for the environment through**:**

* the application of Best Available Techniques (BAT)[[2]](#footnote-3);
* the application, more recently, of BAT Conclusions within the [Large Combustion Plant (LCP) BAT Reference Document](https://eippcb.jrc.ec.europa.eu/reference/large-combustion-plants-0) (adopted by [EU Decision 2017/1442](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017D1442#:~:text=Commission%20Implementing%20Decision%20(EU)%202017,(Text%20with%20EEA%20relevance.%20))) on establishing LCP BAT Conclusions (“the LCP BAT Conclusions"), which was published in 2017 and came into effect for the offshore hydrocarbons sector from 17 August 2021 when variations of existing permits granted under the 2013 PPC Regulations took place to include specific compliance conditions for LCP; and
* the setting of**:**
* Emission Limit Values (ELVs) in relation to BAT-Associated Emission Levels (AELs) linked to the LCP BAT Conclusions; and / or
* equivalent parameters / technical measures where it may not be practicable (e.g. due to the technical characteristics of relevant platforms) to set ELVs or AELs.

**At the time of transposition,** the IED obligations that were and continue to be pertinent to the operation of specific types of combustions plants on relevant platforms are contained in**:**

* Chapter I - Common provisions dealing with subject matter, scope, definitions plus issues relating to the granting and holding of a permit and compliance matters.
* Chapter II - Best Available Techniques (BAT)-based permitting with special provisions for the activities listed in Annex 1 of the IED which specifies the categories of activities defined to be within scope by Article 10 (Scope) of the IED.
* Chapter VII - Committee, transitional, and final provisions.
* Annex I - List of activities in scope of the IED (the activity applicable to the offshore hydrocarbons sector is ‘Combustion of fuels in installations with a total rated thermal input of 50MW or more’).
* Annex II - List of polluting substances covered by the IED (not all of which are relevant to the offshore hydrocarbons sector).
* Annex III - Criteria for determining BAT.
* Annex IV - Requirements for public participation in the permit decision making process.

Following the adoption on 24 November 2010 of the IED, the relevant obligations of that Directive (contained in Chapters I, II and VII plus Annexes I, II, III & IV) were implemented via the 2013 PPC Regulations.

*The 2013 PPC Regulations*

In line with the IED, a permitting regime has been maintained by the 2013 PPC Regulations for the purpose of controlling (ostensibly through the application of BAT and, where appropriate, Emission Limit Values or equivalent parameters / technical measures) atmospheric emissions of oxides of nitrogen (NOx), sulphur dioxide (SO2), carbon monoxide (CO), methane (CH4) and non-methane Volatile Organic Compounds (nmVOC) from combustion plants on relevant platforms where the aggregated thermal rating input of such combustion plants is at or greater than 50MW.

The existing permitting regime was initially established under the Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001 (as amended in 2005, 2007 and 2010) [“the 2001 PPC Regulations”] which implemented the obligations of Directive 2008/1/EC (formerly Directive 96/61/EC) concerning integrated pollution prevention and control (“the IPPC Directive”)[[3]](#footnote-4).

Based on the number of amendments made to the 2001 PPC Regulations, it was not considered consistent with better regulation principles and good drafting practice to try to amend those Regulations further for the purposes of transposing the IED. The 2013 PPC Regulations therefore revoked**:**

* the 2001 PPC Regulations - subject to some savings / transitional provisions;
* regulation 19 of, and Schedule 1 to, the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended) - which made consequential amendments to the provisions of the 2001 PPC Regulations within regulation 2 (Interpretation), regulation 6 (Fees), regulation 9 (Reconsideration and updating of permit conditions), regulation 13 (Appointment of inspectors), regulation 14 (Enforcement notices), regulation 15 (Prohibition notices) and regulation 19 (Service of notices);
* the Offshore Combustion Installations (Prevention and Control of Pollution) (Amendment) Regulations 2007 - which amended the 2001 PPC Regulations to effect transposition of the requirements of the Public Participation Directive 2003/35/EC; and
* Article 5 of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 which extended the requirements of the 2001 PPC Regulations to offshore gas and CO2 unloading and storage activities.

To effect the transposition of the requirements of Chapter II of the IED plus the associated Annexes and the implementation of the LCP BAT Conclusions in respect to combustion plants**:**

* where appropriate, permits granted under the 2013 PPC Regulations for **existing** large combustion plants[[4]](#footnote-5) were adjusted to account for, as part of the permit conditions, the relevant Emission Limit Values (ELVs) in relation to Best Available Techniques (BAT)-Associated Emission Levels and requisite monitoring requirements for large combustion plants; and
* as appropriate, the requirements of Chapter II of the IED and the LCP BAT Conclusions are suitably applied to the conditions of permits granted under the Regulations for **new** large combustion plants[[5]](#footnote-6).

*The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018*

The Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 amended the 2013 PPC Regulations (by appositely widening their scope / requirements) for the purposes of transposing**:**

**(i)** Chapter III of the IED in relation to controlling - principally through the application of BAT and the setting of Emission Limit Values (ELVs) as per Annex V of the Directive - atmospheric emissions of NOx, sulphur dioxide (SO2) and dust from boilers and direct fired heaters on relevant platforms where the individual thermal rated input of such combustion plants is equal to or greater than 50MW, or where the thermal rated input is equal to or greater than 15MW but which aggregate to at or greater than 50MW via a common stack (i.e. classified as one combustion plant).

**(ii)** The Medium Combustion Plant Directive (EU) 2015/2193 (“the MCPD”)[[6]](#footnote-7) in respect to controlling - through the setting of ELVs as per Annex II of the MCPD - atmospheric emissions of NOx, SO2 and dust from medium-sized boilers, direct fuel heaters and dual-fuel engines on relevant platforms where the thermal rated input of such combustion equipment is**: (a)** greater than 1MW but equal to or less than 5MW; and **(b)** greater than 5MW but less than 50MW.

As indicated above, the transposition in 2013 of the IED essentially focused on implementing the requirements of Chapter II of the Directive in respect to combustion plants on relevant platforms. During the transposition in 2013 of the IED obligations, the control of atmospheric emissions from large combustion plants to which Chapter III of the Directive applies were not relevant, or foreseen to be relevant, to relevant platforms and therefore those requirements were not implemented.

However, within a few years of the 2013 PPC Regulations entering into force, the use on relevant platforms of large combustion plants falling within scope of Chapter III of the IED became prevalent which meant that the 2013 PPC Regulations needed to be amended - via the Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 - to simultaneously transpose the obligations of Chapter III of the IED and the requirements of the MCPD.

To effect the transposition of the requirements of Chapter III of the IED and associated Annexes plus the transposition of the obligations of the MCPD and related Annexes in respect to combustion plants**:**

* where appropriate, the requirements of Chapter III of the IED are suitably applied in terms of the application of BAT and relevant Emission Limit Values plus requisite monitoring requirements to the permit conditions for **existing** and **new** large combustion plants; and
* as appropriate, a phased implementation applies for the MCPD obligations in relation to **existing** medium combustion plants (i.e. where such plants were first put into operation before 20 December 2018, or for which permits were granted before 19 December 2017 and the plants were put into operation no later than 20 December 2018) and **new** medium combustion plants, with**:**

**(i)** existing medium combustion plants (MCPs) with a thermal rated input of greater than 5MW but less than 50MW requiring a permit from 1 January 2024 (where Emission Limit Values (ELVs) are set in the permit for existing MCPs, these must be complied with from 1 January 2025);

**(ii)** existing MCPs with a thermal rated input of greater than 1MW but equal to or less than 5MW requiring a permit from 1 January 2029 (where ELVs are set in the permit for existing MCPs, these must be complied with from 1 January 2030); and

**(iii)** all new MCPs requiring to be covered by conditions in a PPC permit before they are put into operation (where ELVs are set in the permit for new MCPs, these must be complied with from the date the MCPs are put into operation).

Single or dual-fuel gas turbines, gas engines and combustion plant in which gaseous products of combustion are used for the direct heating, drying, or any other treatment of objects or materials are exempt from the requirements of Chapter III of the IED and from the obligations of the MCPD - with diesel engines (but not boilers and direct fired heaters) being exempt from the Emission Limit Values (as per Annex V) applicable to Chapter III of the IED and from the obligations of the MCPD.

However, the requirements of the LCP BAT Conclusions apply to all large combustion plants within the scope of Annex 1 of the IED (subject to the exclusions set out in the LCP BAT Conclusions document itself). The BAT-Associated Emission Levels (AELs) apply only to open cycle gas turbines unless, in exceptional situations, a derogation from the AELs has been granted by DESNZ’s[[7]](#footnote-8) Offshore Petroleum Regulator for Environment & Decommissioning (OPRED).

It is additionally the case that the 2013 PPC Regulations (as amended) do not apply tothe

operational or emergency flaring of gas and venting as neither fall within the definition of combustion plant.

*Energy Efficiency*

A fundamental part of the conditions attached to permits granted and, where pertinent, varied under the 2013 PPC Regulations (as amended) is the obligation on operators to ensure that combustion plants on relevant platforms function in an energy efficient manner. To this end, OPRED may require energy audits to be conducted - and periodic energy efficiency justifications to be submitted - by relevant operators. Nevertheless, OPRED recognises that energy efficiency is considered under other obligations relating to UK Emissions Trading Scheme (UK-ETS) legislation, Energy Savings Opportunity Scheme (ESOS) legislation and the Stewardship Expectations of the North Sea Transition Authority (NSTA) in the form of Emissions Reduction Action Plans (ERAPs). In this regard, OPRED aims for the regulatory obligations on energy efficiency to be achieved in the most effective way by, for instance, accepting the submission of information and justifications prepared for the purposes of the UK-ETS, ESOS and ERAPs as supporting evidence in respect to contributing towards meeting the energy efficiency requirements of the 2013 PPC Regulations (as amended).

*Fee Charging Provisions*

The fee charging provisions of the 2013 PPC Regulations (as amended) relate to a Charging Scheme for the Regulations which has been separately updated in more recent years to reflect changes introduced by subsequent amendments (from 2016 onwards) to the Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015 plus the fee charging provisions of other specific regulations.

*Other Amendments*

The 2013 PPC Regulations (as amended) have also been amended by**:**

**(a)** The Energy (Transfer of Functions, Consequential Amendments and Revocation) Regulations 2016 which made a minor consequential amendment to regulation 2(1) of the 2013 PPC Regulations to recognise functions undertaken by the Oil and Gas Authority (the NSTA).

**(b)** The Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018 which made (pursuant to section 8 of the European Union (Withdrawal) Act 2018) certain amendments to various sets of existing legislation - including the 2013 PPC Regulations (as amended) - so that the legislation would remain effective and appropriate from day one of the UK’s exit from the EU.

**(c)** The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 which made a minor consequential amendment to regulation 4(5) of the 2013 PPC Regulations (as amended) by substituting a reference to the ‘Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999’ with a reference to the ‘Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020’.

*Specific Points to Note in respect to this Survey*

**(A) Unless otherwise explicitly stated in PARTS B to F of this Survey:**

**(i)** The term “combustion plant(s)” refers to equipment covered by**:**

* the general BAT requirements for combustion plants located on a large combustion installation;
* the obligations within Chapters II & III of Directive 2010/75/EU on industrial emissions (“the IED”) as implemented by the 2013 PPC Regulations (as amended);
* the relevant obligations of the Large Combustion Plant (LCP) Best Available Techniques (BAT) Conclusions (“the LCP BAT Conclusions”); or
* the obligations of the Medium Combustion Plant Directive (EU) 2015/2193 (“the MCPD”) as implemented by the 2013 PPC Regulations (as amended) for medium combustion plant located on a large combustion installation or on a medium combustion installation.

**(ii)** the terms “large combustion installation(s)” and “medium combustion installation(s)” have the following meanings (as defined in regulation 2(1) of the 2013 PPC Regulations (as amended))**:**

“large combustion installation” means -

**(a)** a relevant platform; or

**(b)** a complex of relevant platforms permanently inter-connected by bridges,

equipped with an offshore combustion plant which on its own or aggregated together with any other combustion plant on the same platform or complex has a rated thermal input which is equal to or greater than 50 megawatts.

“medium combustion installation” means -

**(a)** a relevant platform; or

**(b)** a complex of relevant platforms permanently inter-connected by bridges,

which is not a large combustion installation and which is equipped with an offshore combustion plant that has a rated thermal input which is equal to or greater than 1 megawatt and less than 50 megawatts.

In connection with the definitions of a large combustion installation and a medium combustion installation, the term “relevant platform” means, as appropriate, -

**(a)** a carbon dioxide storage or unloading platform;

**(b)** a gas storage or unloading platform; or

**(c)** a petroleum platform.

**(B) PART F of this Survey contains two questions which ask:**

* **if there are any other observations that respondents would like to offer in respect to the 2013 PPC Regulations (as amended) - for example, in relation to alignment with UK government priorities such as the offshore hydrocarbon sector’s transition for the UKCS to become a net zero basin by 2050; and**
* **whether there is anything else (i.e. not covered elsewhere within the Survey) that respondents would like to raise in relation to the 2013 PPC Regulations (as amended).**

**(C) Question 1 under PART A** **of this Survey** contains links to the regulatory provisions on definitions within the 2013 PPC Regulations and the 2018 PPC Amending Regulations. Respondents may therefore wish to keep the respective links open to navigate through the other regulatory provisions when addressing the proceeding questions within the Survey.

**The Survey**

**Demographic Questions**

1. Organisation name

2. Organisation size

a. < 50 employees [ ]

b. 50-99 employees  [ ]

c. 100-249 employees  [ ]

d. 250 + employees  [ ]

3. Organisation type

a. Production Installation Operator & Well Operator [ ]

b. Well Operator only [ ]

c. Non-Production Installation Owner [ ]

d. Other [ ]

If Other, please describe the type of organisation you belong to.

4. How many of the following does your organisation own or operate?

Large Combustion Installations Medium Combustion Installations

 a. 1 [ ]  [ ]

 b. 2-4 [ ]  [ ]

 c. 5-9 [ ]  [ ]

 d. 10-15 [ ]  [ ]

 e. 16-20 [ ]  [ ]

 f. 21-30 [ ]  [ ]

 g. 30+ [ ]  [ ]

 h. Not Applicable [ ]  [ ]

5. Would you be willing to be contacted by OPRED to discuss any of your responses for the purposes of clarification?

Yes [ ]

No [ ]

If Yes, please provide contact details (name, e-mail, phone number).

**PART A - Policy Objective Questions**

The following statements / questions concern the policy objectives of the 2013 PPC Regulations (as amended).

**Question 1**

**Statement:** The definitions in regulations 2(1) & (2) and 2A(1) & (2) of the 2013 PPC Regulations (as amended) are clearly understood and remain appropriate**:** [regulation 2 of the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013](https://www.legislation.gov.uk/uksi/2013/971/regulation/2/made) as amended by [regulation 3 of the Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018](https://www.legislation.gov.uk/uksi/2018/798/regulation/3/made) and [regulation 4 of the 2018 Regulations](https://www.legislation.gov.uk/uksi/2018/798/regulation/4/made).

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 2**

**Statement:** There are **no** unintended consequences or unexpected outcomes to the way in which the 2013 PPC Regulations (as amended) have been introduced and are being applied in respect to combustion plants on large combustion installations and on medium combustion installations.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 3**

**Statement:** The 2013 PPC Regulations (as amended) encourage operators to**: (i)** reduce - for instance, through the application of BAT and Emission Limit Values - atmospheric emissions of specific pollutants (i.e. NOx, SO2, CO, CH4, nmVOC and dust) from combustion plants on large combustion installations and medium combustion installations; and **(ii)** maintain systems for the prevention of pollution.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 4**

Do you believe that meeting the objectives of the 2013 PPC Regulations (as amended) - for controlling and reducing atmospheric emissions of specific pollutants from combustion plants on large combustion installations and on medium combustion installations - could be achieved effectively via a system that imposes less regulation?

Yes [ ]

No [ ]

Please provide supporting comments.

**PART B - Permitting System**

The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 as amended by the Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018 (“the 2013 PPC Regulations (as amended)”) maintain a permitting system for controlling - in accordance with the relevant obligations of the IED and the MCPD - atmospheric emissions of specific pollutants (i.e. NOx, SO2, CO, CH4, nmVOC and dust) from**:**

* large combustion installations - engaged in oil and gas production plus gas and / or carbon dioxide (CO2) unloading and storage - in respect to all their combustion plant; and
* medium combustion installations - engaged in oil and gas production plus gas and / or CO2 unloading and storage - in relation to medium combustion plant.

**Question 5**

**Statement:** The current permitting system, under the 2013 PPC Regulations (as amended) and associated conditions attached to permits (e.g. concerning the application, as appropriate, of Best Available Techniques (BAT); Emission Limit Values, Associated Emission Limits linked to the LCP BAT Conclusions, or equivalent parameters / technical measures; energy efficiency requirements; monitoring and reporting requirements), is the most appropriate and effective approach for controlling and reducing atmospheric emissions of specific pollutants from combustion plants on large combustion installations and on medium combustion installations.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**PART C - Inspection Powers**

The 2013 PPC Regulations (as amended) contain powers for OPRED’s Inspectors to check / enforce compliance by operators of large combustion installations and medium combustion installations with the requirements of the Regulations.

**Question 6**

Regulation 25 of the 2013 PPC Regulations (as amended) details the powers of Inspectors appointed by the Secretary of State to**:**

* monitor;
* investigate and
* enforce

the legislative requirements relating to atmospheric emissions of specific pollutants from combustion plants on large combustion installations and medium combustion installations.

**Statement:** The powers in this regulation are clear and remain appropriate for the purpose of enforcing the 2013 PPC Regulations (as amended).

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**PART D - Impact Assessment Questions - Costs**

No Impact Assessment (IA) was required for the initial 2013 PPC Regulations for the reasons explained in the Explanatory Memorandum to the Regulations. However, an IA was prepared for the Offshore Combustion Installations (Pollution Prevention and Control) (Amendment) Regulations 2018, which estimated the costs to the offshore hydrocarbons sector associated with the permitting, under the 2013 PPC Regulations (as amended), of combustion plants on large combustion installations and medium combustion installations covered by the transposition in the Regulations of the requirements of Chapter III of the IED and the MCPD.

The following questions ask about the typical costs to your organisation under the 2013 PPC Regulations (as amended) of**:**

**(i)** preparing applications for new permits;

**(ii)** preparing applications for varying existing permits;

**(iii)** complying with the obligations to monitor emissions;

**(iv)** complying with BAT-Associated Emission Levels (AELs);

**(v)** the preparing of cases (including Cost Benefit Analyses) for derogations from the application of BAT-Associated Emission Levels (AELs);

**(vi)** complying with the requirements to provide periodic updates of Best Available Techniques (BAT) Assessments;

**(vii)** complying with the obligations to provide Energy Audits or Energy Efficiency Reports;

**(viii)** maintaining permits (e.g. record keeping); and

**(ix)** complying with the requirements to provide assistance to OPRED Inspectors.

**Please do not include any fees** **charged by OPRED for the provision of regulatory services in relation to the 2013 PPC Regulations (as amended)** in your responses.

**Question 7**

What is the typical cost to your organisation of preparing anapplication for a **new** permit relating to combustion plants on a **large combustion installation** *(recognising that some large combustion installations will have a mix of large combustion plants and medium combustion plants whilst others may have neither)*?

Less than £1,500 per permit application [ ]

£1,500 - £4,000 per permit application [ ]

£4,001 - £8,000 per permit application [ ]

£8,001 - £12,000 per permit application [ ]

Greater than £12,000 per permit application [ ]

Any further details - including an estimated figure if > £12,000? Please provide here.

**Question 8**

What is the typical cost to your organisation of preparing an application to **vary** an **existing** permit for combustion plants on a **large combustion installation**?

Less than £1,500 per permit variation application [ ]

£1,500 - £4,000 per permit variation application [ ]

£4,001 - £8,000 per permit variation application [ ]

£8,001 - £12,000 per permit variation application [ ]

Greater than £12,000 per permit variation application [ ]

Any further details - including an estimated figure if > £12,000? Please provide here.

**Question 9**

For the typical costs given in response to Question 8, how many variations to existing permits for combustion plants on **large combustion installations** does that cost typically apply to annually?

1 permit variation application [ ]

2 permit variation applications [ ]

3 permit variation applications [ ]

4 permit variation applications [ ]

Greater than 4 permit variation applications [ ]

Any further details - including an estimated figure if > 4? Please provide here.

**Question 10**

What is the typical cost to your organisation of complying with the baseline emissions monitoring requirements associated with permit conditions for combustion plants on a **large combustion installation**?

Less than £25,000 per annum [ ]

£25,001 - £40,000 per annum [ ]

£40,001 - £55,000 per annum [ ]

£55,001 - £70,000 per annum [ ]

£70,001 - £85,000 per annum [ ]

£85,001 - £100,000 per annum [ ]

Greater than £100,000 per annum [ ]

Any further details - including an estimated figure if < £25,000 or > £100,000? Please provide here.

**Question 11**

What is the typical cost to your organisation of complying with periodic (e.g. annual) emissions stack testing undertaken for compliance monitoring of large combustion plants on a **large combustion installation**?

Less than £25,000 per annum [ ]

£25,001 - £40,000 per annum [ ]

£40,001 - £55,000 per annum [ ]

£55,001 - £70,000 per annum [ ]

£70,001 - £85,000 per annum [ ]

£85,001 - £100,000 per annum [ ]

Greater than £100,000 per annum [ ]

Any further details - including an estimated figure if < £25,000 or > £100,000? Please provide here.

**Question 12**

Where relevant to you installation(s), what is the typical cost to your organisation of preparing cases (including Cost Benefit Analyses) for derogations from the application of BAT-Associated Emission Levels (linked to the LCP BAT Conclusions) in respect to open cycle gas turbines on a **large combustion installation**?

Less than £1,500 per case [ ]

£1,500 - £4,000 per case [ ]

£4,001 - £8,000 per case [ ]

£8,001 - £12,000 per case [ ]

Greater than £12,000 per case [ ]

Any further details - including an estimated figure if > £12,000? Please provide here.

**Question 13**

What is the typical cost to your organisation of complying with the requirements within the conditions of a permit to provide periodic updates of Best Available Techniques (BAT) Assessments in respect to combustion plants on a **large combustion installation**?

Less than £1,500 per update [ ]

£1,500 - £4,000 per update [ ]

£4,001 - £8,000 per update [ ]

£8,001 - £12,000 per update [ ]

Greater than £12,000 per update [ ]

Any further details - including an estimated figure if > £12,000? Please provide here.

**Question 14**

What is the typical cost to your organisation of complying with the requirements within the conditions of a permit to provide Energy Efficiency Reports in relation to combustion plants on a **large combustion installation**?

Less than £1,500 per Report [ ]

£1,500 - £4,000 per Report [ ]

£4,001 - £8,000 per Report [ ]

£8,001 - £12,000 per Report [ ]

Greater than £12,000 per Report [ ]

Any further details - including an estimated figure if > £12,000? Please provide here.

**Question 15**

What is the typical cost to your organisation of maintaining permits (e.g. keeping records and preparing returns for inclusion on the Environmental and Emissions Monitoring System etc.) relating to combustion plants on a **large combustion installation**?

Less than £1,500 per annum [ ]

£1,500 - £4,000 per annum [ ]

£4,001 - £8,000 per annum [ ]

£8,001 - £12,000 per annum [ ]

Greater than £12,000 per annum [ ]

Any further details - including an estimated figure if > £12,000? Please provide here.

**Question 16**

Where relevant to your operations, what is the typical cost to your organisation of preparing anapplication for a **new** permit relating to medium combustion plants on a **medium combustion installation**?

Less than £1,500 per permit application [ ]

£1,500 - £4,000 per permit application [ ]

£4,001 - £8,000 per permit application [ ]

£8,001 - £12,000 per permit application [ ]

Greater than £12,000 per permit application [ ]

Any further details - including an estimated figure if > £12,000? Please provide here.

**Question 17**

Where relevant to your operations, what do you estimate the typical cost might be to your organisation of preparing an application to **vary** an **existing** permit for medium combustion plants on a **medium combustion installation**?

Less than £1,500 per permit variation application [ ]

£1,500 - £4,000 per permit variation application [ ]

£4,001 - £8,000 per permit variation application [ ]

£8,001 - £12,000 per permit variation application [ ]

Greater than £12,000 per permit variation application [ ]

Any further details - including an estimated figure if > £12,000? Please provide here.

**Question 18**

For the typical costs given in response to Question 17, approximately how many variations to existing permits for medium combustion plants on **medium combustion installations** do you estimate those costs are likely to apply to annually?

1 permit variation application [ ]

2 permit variation applications [ ]

3 permit variation applications [ ]

4 permit variation applications [ ]

Greater than 4 permit variation applications [ ]

Any further details - including an estimated figure if > 4? Please provide here.

**Question 19**

What do you estimate the typical cost might be to your organisation of complying with the emissions monitoring requirements for Emission Limit Values that are included as part of the permit conditions for medium combustion plants > 1 MWth and at or < 20MWth on either a **large combustion installation** or on a **medium combustion installation**?

 Less than £25,000 per 3 yearly cycle [ ]

£25,001 - £40,000 per 3 yearly cycle [ ]

£40,001 - £55,000 per 3 yearly cycle [ ]

£55,001 - £70,000 per 3 yearly cycle [ ]

£70,001 - £85,000 per 3 yearly cycle [ ]

£85,001 - £100,000 per 3 yearly cycle [ ]

Greater than £100,000 per 3 yearly cycle [ ]

Any further details - including an estimated figure if < £25,000 or > £100,000? Please provide here.

**Question 20**

What do you estimate the typical cost might be to your organisation of complying with the emissions monitoring requirements for Emission Limit Values that are included as part of the permit conditions for medium combustion plants > 20 MWth and < 50MWth on either a **large combustion installation** or on a **medium combustion installation**?

Less than £25,000 per annum [ ]

£25,001 - £40,000 per annum [ ]

£40,001 - £55,000 per annum [ ]

£55,001 - £70,000 per annum [ ]

£70,001 - £85,000 per annum [ ]

£85,001 - £100,000 per annum [ ]

Greater than £100,000 per annum [ ]

Any further details - including an estimated figure if < £25,000 or > £100,000? Please provide here.

**Question 21**

What do you estimate the typical cost might be to your organisation for maintaining permits (e.g. keeping records and preparing returns for inclusion on the Environmental and Emissions Monitoring System etc.) relating to medium combustion plants on a **medium combustion installation**?

Less than £1,500 per annum [ ]

£1,500 - £4,000 per annum [ ]

£4,001 - £8,000 per annum [ ]

£8,001 - £12,000 per annum [ ]

Greater than £12,000 per annum [ ]

Any further details - including an estimated figure if > £12,000? Please provide here.

**Question 22**

What is the typical annual cost to your organisation in complying with the requirements in regulation 25(h) to (j) [Powers of inspectors] of the 2013 PPC Regulations (as amended) which relate to the provision of assistance to OPRED Inspectors?

Less than £1,500 per permit [ ]

£1,500 - £4,000 per permit [ ]

£4,001 - £8,000 per permit [ ]

£8,001 - £12,000 per permit [ ]

Greater than £12,000 per permit [ ]

Any further details - including an estimated figure if > £12,000? Please provide here.

**PART E - Specific questions relating to regulations 3 to 15A, 17, 20, 23, 30 and 32 of the 2013 PPC Regulations (as amended)**

The following statements / questions relate to specific provisions within the Regulations.

**Question 23**

**Regulation 3(1) [Permits]** of the 2013 PPC Regulations (as amended) states**:**

A person must not operate an offshore combustion installation –

(a) without a permit; and

(b) otherwise than in accordance with the conditions in that permit.

**Statement:** The circumstances in which an operator is required to hold a permit are clear and remain appropriate (taking into account the qualifying criteria under, and the relevant definitions within, the 2013 PPC Regulations (as amended)).

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 24**

**Regulation 4 [Applications for permits: Large combustion installations]** and **Regulation 4A [Applications for permits: Medium combustion plant]** of the 2013 PPC Regulations (as amended) set out the procedures that apply to the submission by an operator of a permit application for combustion plants on a large combustion installation, or in respect to a medium combustion plant located on either a large combustion installation or on a medium combustion installation.

**Statement:** These requirements are clear and remain appropriate for the purposes outlined above.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 25**

**Regulation 5 [Making applications publicly available: Large combustion installations]** of the 2013 PPC Regulations (as amended) requires the Secretary of State (SoS) to make publicly available certain prescribed details relating to a permit application for a large combustion installation and a date by which public representations about the permit application may be sent to the SoS. Where the SoS holds details that were not included in the initial published information and which is relevant to the permit application, then regulation 5 also requires the SoS to publish the additional details and provide a revised date for the submission of representations.

**Statement:** The requirements of this regulation are clear and remain appropriate for the purpose of public participation in the decision-making process appertaining to a permit application.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 26**

**Regulation 6 [Applications for permits and variation of permits for large combustion installations: effects on the environment of a Member State of the EU (MS)]** of the 2013 PPC Regulations (as amended) sets out the requirements on the Secretary of State (SoS) to notify a MS about a permit application or the variation of an existing permit (in accordance with regulation 12) where the SoS considers that the operation of a large combustion installation is likely to have significant negative effects on the environment of a MS or where a MS requests details of the operation of a large combustion installation which is the subject of such an application or notice. Regulation 6 also requires the SoS to inform a MS of the date by when representations may be sent to the SoS about the permit application or permit variation application.

**Statement:** The requirements of this regulation are clear and remain appropriate for consulting a MS and enabling its participation in the decision-making process for permit applications.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 27**

**Regulation 7 [Determining applications: Large combustion installations]** and **Regulation 7A [Determining applications: Medium combustion plant]** of the 2013 PPC Regulations (as amended) set out the matters the Secretary of State must consider when determining a permit application for**:**

**(i)** The operation of a large combustion installation. In accordance with regulation 7, those matters also include representations from the public and, where applicable, a member State in respect to the determining of a permit application.

**(ii)** A medium combustion plant that does not relate to a large combustion installation.

**Statement:** The requirements of these regulations are clear and remain appropriate in terms of the decision-making process for permit applications.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 28**

**Regulation 8 [Granting & refusing of applications: Large combustion installations]** and **Regulation 8A [Granting & refusal of applications: Medium combustion plant]** of the 2013 PPC Regulations (as amended) require the Secretary of State to notify an applicant of the decision - together with the reasons for the decision - to grant or refuse a permit application for**:**

**(a)** A large combustion installation. In accordance with regulation 8, the decision and any representations from the public and, where applicable, a member State in relation to the permit application are to be made publicly available.

**(b)** A medium combustion plant.

**Statement:** The requirements of these regulations are clear and remain appropriate for notifying an applicant about a decision on a permit application and making information publicly available.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 29**

**Regulation 9 [Conditions in permits: Large combustion installations]** and **Regulation 9A [Conditions in permits: Medium combustion plant]** and **Regulation 9B [Conditions in permits: Large and medium combustion plant]** of the 2013 PPC Regulations (as amended) require the Secretary of State (SoS) to set conditions in a permit for**:**

**(a)** A large combustion installation. In accordance with**:**

* regulation 9, the conditions set in a permit must cover, amongst other matters, the application - as appropriate - of**: (i)** Best Available Techniques (BAT); **(ii)** Emission Limit Values (ELVs) (which may be ELVs linked to Article 15(3) of the IED or BAT-Associated Emission Limits derived from the LCP BAT Conclusions) or equivalent parameters / technical measures; **(iii)** energy efficiency requirements; and **(iv)** monitoring plus reporting requirements; and
* regulation 9B, the conditions set in a permit must enable the SoS to assess compliance with any relevant ELVs (the SoS may also include such other conditions in a permit as deemed necessary).

**(b)** A medium combustion plant. In accordance with**:**

* regulation 9A, the conditions set in a permit must cover, amongst various other matters, the application - as appropriate - of**: (i)** ELVs; and **(ii)** monitoring plus reporting requirements; and
* regulation 9B, the conditions set in a permit must enable the SoS to assess compliance with any relevant ELVs (the SoS may also include such other conditions in a permit as deemed necessary).

**Statement:** The requirements of these regulations are clear and remain appropriate for the purpose of controlling and reducing atmospheric emissions through the attaching of conditions to a permit.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 30**

**Energy Efficiency obligations in regulation 7(3)(e) [Determining applications: Large combustion installations]** and **regulation 9(2)(a) [Conditions in permits: Large combustion installations]:** In line with regulations 7(3)(e) and 9(2)(a) of the 2013 PPC Regulations (as amended), when determining permit applications for, and setting permit conditions in respect to, large combustion installations, the Secretary of State must**: (i)** be satisfied applicants will operate large combustion installations energy efficiently; and **(ii)** set permit conditions requiring operators to comply with regulation 7(3) (e.g. the energy efficiency obligation in reg 7(3)(e)). In terms of demonstrating energy efficiency, section 10.4.3 of the LCP BREF Document summarises BAT Conclusions for the combustion of gaseous and / or liquid fuels on large combustion installations - this includes techniques for improving overall environmental performance, and by implication energy efficiency, in BAT52.

**Statement:** The submission by operators of information / justifications prepared for the UK-ETS, ESOS & ERAPs as evidence in support of the BAT and energy efficiency (EE) obligations that apply to combustion plants on large combustion installations, including the LCP BAT Conclusions, represents an appropriate way of meeting the EE requirements of the 2013 PPC Regulations (as amended).

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 31**

**Regulation 10 [Emission limit values: Large combustion installations]** of the 2013 PPC Regulations (as amended) allows the Secretary of State to - upon completing the assessment process described in regulation 10(2) - set Emission Limit Values (ELVs) which are less strict than the ELVs required by Article 15(3) of the IED as a condition of permits relating to large combustion installations.

**Statement:** The requirements of this regulation concerning the setting of less strict ELVs as part of the conditions in a permit are clear and remain appropriate.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 32**

**Regulation 11 [Greenhouse gases: Large combustion installations]** of the 2013 PPC Regulations (as amended) states that conditions in a permit for combustion plants on a large combustion installation must not be imposed in respect of matters described in regulation 9(2) in relation to emissions of greenhouse gases covered by the ETS (i.e. CO2) except where required to ensure no significant local pollution is caused.

**Statement:** The prohibition in this regulation is clear and remains appropriate.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 33**

**Regulation 11A [Industrial Emissions Directive: Large combustion plant]** of the 2013 PPC Regulations (as amended) states that where a permit relates to a large combustion plant, the Secretary of State must exercise functions under the Regulations to ensure compliance with these IED provisions**: (a)** Article 29; **(b)** Article 30(1) and 30(3) to (8); **(c)** Article 37; **(d)** Article 38; **(e)** Article 39; and **(f)** Article 40(1).

**Statement:** The requirements of this regulation are clear and remain appropriate for the purpose of enabling the SoS to exercise regulatory functions under the 2013 PPC Regulations (as amended).

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 34**

**Regulation 11B [Emission limit values: Medium combustion plant]** of the 2013 PPC Regulations (as amended) sets out dates from when specific emissions from medium combustion plants must not exceed specified Emission Limit Values (ELVs). The applicable dates and emissions are**: (i)** from 20 December 2018, emissions of SO2, NOx & dust from a new medium combustion plant (MCP) must not exceed the ELVs specified in the MCPD; **(ii)** from 1 January 2025, emissions of SO2, NOx & dust from an existing MCP with a rated thermal input > 5 MW must not exceed the ELVs specified in the MCPD; and **(iii)** from 1 January 2030, emissions of SO2, NOx & dust from an existing MCP with a rated thermal input of 5 MW or less must not exceed the ELVs specified in the MCPD.

**Statement:** The requirements of this regulation are clear and remain appropriate for the purpose of controlling and reducing atmospheric emissions.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 35**

**Regulation 11C [Limited operating hours - existing Medium combustion plant]** of the 2013 PPC Regulations (as amended) provides - subject to the provision by an operator of a written declaration - exemptions from the need to comply with Emission Limit Values (ELVs) for SO2, NOx and dust from an **existing** medium combustion plant (MCP) where the MCP is not expected to function for more than 500 or 1,000 operating hours per year as a rolling average over a period of **five** years.

**Statement:** The requirements of this regulation appertaining to exemptions from the need to comply with ELVs are clear and remain appropriate.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 36**

**Regulation 11D [Limited operating hours: new Medium combustion plant]** of the 2013 PPC Regulations (as amended) provides - subject to the provision by an operator of a written declaration - an exemption from the need to comply with Emission Limit Values (ELVs) for SO2, NOx and dust from a **new** medium combustion plant (MCP) where the MCP does not function for more than 500 operating hours per year, as a rolling average over a period of **three** years.

**Statement:** The requirements of this regulation concerning exemptions from the need to comply with ELVs are clear and remain appropriate.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 37**

**Regulation 11E [Temporary derogations: Medium combustion plant]** of the 2013 PPC Regulations (as amended) allows the Secretary of State to grant a temporary derogation - in specific circumstances (for instance, where a medium combustion plant (MCP) normally uses either low-sulphur fuel (LSF) or gaseous fuels (GF) and an operator is unable, due to interruptions in the supply of LSF or GF, to comply with the relevant Emission Limit Values (ELVs). A temporary derogation may be granted for**:** **(a)** six months from the obligation to comply with the ELVs for SO2 in relation to a MCP using LSF; or **(b)** 10 days or another justifiable timeframe from the obligation to comply with the ELVs for SO2, NOx and dust in respect to a MCP using GF.

**Statement:** The requirements of this regulation pertaining to temporary derogations from the obligation to comply with ELVs are clear and remain appropriate.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 38**

**Regulation 11F [Simultaneous use of fuels: Medium combustion plant]** of the 2013 PPC Regulations (as amended) sets out the parameters for calculating Emission Limit Values (ELVs) for SO2, NOx and dust from a medium combustion plant where two or more fuels are used simultaneously.

**Statement:** The requirements of this regulation appertaining to the calculation of ELVs are clear and remain appropriate for controlling and reducing atmospheric emissions.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 39**

**Regulation 11G [Emission limit values: compliance]** of the 2013 PPC Regulations (as amended) provides that Emission Limit Values (ELVs) for relevant pollutants from combustion plants on a large combustion installation or on a medium combustion installation shall be regarded as having been complied with if the results of monitoring conducted in accordance with a permit’s conditions indicates that the emissions for the pollutants concerned do not exceed the ELVs which apply in respect to the combustion plants.

**Statement:** The requirements of this regulation are clear and remain appropriate for demonstrating compliance with ELVs and achieving the objective of controlling / reducing atmospheric emissions.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 40**

**Regulation 12 [Variation of operation of Large combustion installations]** of the 2013 PPC Regulations (as amended) sets out**: (a)** the need for an operator to submit to the Secretary of State (SoS) a notice (with requisite information) for a permit variation in respect to proposed changes - including ‘substantial changes’ - to the operation of a **large combustion installation**; **(b)** the matters the SoS must consider before deciding to approve or refuse the operational changes - including representations from a member State (MS) in line with regulation 6; and **(c)** the need for the SoS - upon approving operational changes - to vary a permit’s conditions in line with regulation 9(1).

**Statement:** The requirements of this regulation are clear and remain appropriate for varying a permit to reflect operational changes and ensuring MS participation in the decision-making process.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 41**

**Regulation 12A [Variation of existing permits: Medium combustion plant]** and **Regulation 12B [Variation of operation of Medium combustion plant]** of the 2013 PPC Regulations (as amended) set out**: (i)** the need for the Secretary of State (SoS) to review an existing permit for a **medium combustion plant (MCP)** on a large combustion installation or on a medium combustion installation and, if necessary, vary the permit to ensure compliance with regulation 9A; **(ii)** the need for an operator to submit to the SoS a notice (plus information) for a permit variation relating to proposed operational changes to a MCP; and **(iii)** the need for the SoS, where approving such changes, to consider, subject to regulation 9A(1), the need to vary the permit’s conditions.

**Statement:** The requirements of this regulation are clear & remain appropriate for**:** **(a)** reviewing & varying a permit’s conditions; and **(b)** varying a permit’s conditions to reflect operational changes.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 42**

**Regulation 13 [Review of permits: Large combustion installations]** of the 2013 PPC Regulations (as amended) sets out**:** **(a)** the situations in which the Secretary of State (SoS) should review the conditions in an existing permit for combustion plants on a large combustion installation and the matters to be considered by the SoS when conducting a review; **(b)** the need for the SoS to comply with regulation 9(1) when deciding to vary an existing permit’s conditions; and **(c)** the need for an operator to provide the SoS with information to enable a review of a permit’s conditions.

**Statement:** The requirements of this regulation are clear and remain appropriate in respect to the reviewing and varying of a permit’s conditions.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 43**

**Regulation 14 [Variation of conditions in permits for large combustion installations following a review except further to regulation 13(2)(c)]** of the 2013 PPC Regulations (as amended) sets out the requirements on the Secretary of State (SoS) where the SoS considers that a variation to the conditions in an existing permit for combustion plants on a large combustion installation is required further to a review of the conditions (except where a review was undertaken pursuant to regulation 13(2)(c)).

**Statement:** The requirements of this regulation are clear and remain appropriate in connection with the reviewing and varying of a permit’s conditions.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 44**

**Regulation 15 [Variation of conditions in permits for large combustion installations following a review further to regulation 13(2)(c)]** of the 2013 PPC Regulations (as amended) sets out the requirements on the Secretary of State (SoS) where the SoS considers that a variation to the conditions in an existing permit for combustion plants on a large combustion installation is required further to a review of the conditions undertaken pursuant to regulation 13(2)(c). Regulation 15 also requires the SoS to make publicly available a notice relating to the permit variation which provides a date by when representations from the public in respect to the variation should be submitted to the SoS.

**Statement:** The requirements of this regulation are clear and remain appropriate in relation to the reviewing and varying of a permit’s conditions.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 45**

**Regulation 15A [Review of permits: Medium combustion plant]** of the 2013 PPC Regulations (as amended) provides that**:** **(i)** the Secretary of State (SoS) may at any time review the conditions of an existing permit for medium combustion plants (MCPs) on a large combustion installation or on a medium combustion installation; and **(ii)** anoperator must provide to the SoS such information as requested for the purposes of reviewing the conditions of an existing permit for MCPs.

**Statement:** The requirements of this regulation are clear and remain appropriate in respect to the reviewing of a permit’s conditions.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 46**

**Regulation 17 [Surrenders]** of the 2013 PPC Regulations (as amended) sets out**:** **(a)** the requirements on an operator and the Secretary of State (SoS) where an operator wishes to surrender a permit in respect to combustion plants on a large combustion installation or on a medium combustion installation; and **(b)** the requirement for the SoS - where a permit relates to combustion plants on a large combustion installation - to make publicly available information relating to the surrender of the permit.

**Statement:** The requirements of this regulation concerning the surrender of a permit are clear and remain appropriate.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 47**

**Regulation 20 [Transboundary projects in member States (MS)]** of the 2013 PPC Regulations (as amended) applies where the operation of a large combustion installation in a MS is likely to have significant negative environmental effects on the ‘offshore area’ and ‘relevant gas area’ (as defined in regulation 2). Regulation 20 requires the Secretary of State (SoS) to consult the MS, to make information available to the public and such authorities as the SoS thinks fit in relation to the likely significant negative environmental effects, and to provide to the MS comments received by the SoS.

**Statement:** The requirements of this regulation are clear and remain appropriate for assessing environmental effects on the UK from the operation of a large combustion installation in a MS.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 48**

**Regulation 23 [Information notices & reporting]** of the 2013 PPC Regulations (as amended) allows the Secretary of State (SoS) to require an operator granted a permit under the Regulations to provide information to enable the SoS to perform functions under Parts 1 to 4 of the Regulations and monitor compliance. Regulation 23 also requires an operator to give a notice of certain matters to the SoS such as**: (i)** planned changes to the operation of a large combustion installation or a medium combustion installation which may have consequences for the environment; **(ii)** any accidents or incidents affecting such an installation which may have a significant negative environmental effect; and **(iii)** any breaches of the conditions of a permit. In addition, regulation 23 enables the SoS to seek from an operator information - as listed in regulation 9A(2)(e) & (f) - relating to medium combustion plants for responding to an information request from the public.

**Statement:** The requirements of this regulation are clear and remain appropriate for enabling the SoS to perform legislative functions and monitor operator compliance with the Regulations.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 49**

**Regulation 30 [Enforcement notices]** and **Regulation 31 [Prohibition notices]** of the 2013 PPC Regulations (as amended) describe processes for the serving of Enforcement and Prohibition Notices.

**Statement:** The requirements of these two regulations are clear and remain appropriate.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**Question 50**

**Regulation 32 [Action by the Secretary of State on failure to comply with enforcement or prohibition notices]** of the 2013 PPC Regulations (as amended) provides that where a person (operator) fails to comply with an Enforcement Notice or Prohibition Notice, the Secretary of State (SoS) may**:** **(i)** do what that person (operator) was required to do; and **(ii)** recover any expenses reasonably incurred in doing so.

**Statement:** The provisions of this regulation are clear and remain appropriate in terms of any actions that the SoS may have to undertake to ensure compliance with an Enforcement Notice or Prohibition Notice and the recovery of associated costs incurred by the SoS.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree [ ]

Agree [ ]

Neither Agree nor Disagree [ ]

Disagree [ ]

Strongly Disagree  [ ]

Please provide supporting comments.

**PART F - Additional Questions**

**Question 51**

Are there any other observations you would like to offer in relation to the 2013 PPC Regulations (as amended) - for example, in relation to alignment with government priorities such as the offshore hydrocarbon sector’s transition  **for the UKCS to become a net zero basin by 2050**?

Yes [ ]

No [ ]

If Yes, then please provide supporting comments.

**Question 52**

Is there anything else you would like to raise relating to the 2013 PPC Regulations (as amended) that has not been covered elsewhere in this Survey?

Yes [ ]

No [ ]

If Yes, then please raise them here.

1. In accordance with the Retained EU Law (Revocation and Reform) Act 2023, the IED - as transposed by the 2013 PPC Regulations - is ‘retained EU law’. [↑](#footnote-ref-2)
2. “Best Available Techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole. [↑](#footnote-ref-3)
3. The IED combines the provisions of seven previous Directives - including the IPPC Directive and Large Combustion Plant Directive - which it replaced. As required by the IED, the 2001 PPC Regulations continued to apply the relevant obligations of the IPPC Directive to specific combustion plants on offshore hydrocarbon facilities which had permits in place before the 2013 PPC Regulations entered into force or where a permit was applied for before that date and subsequently granted. Subject to savings / transitional provisions within the 2013 PPC Regulations, the 2001 PPC Regulations ceased to have legal effect after 7 January 2014. [↑](#footnote-ref-4)
4. Existing combustion plant means - a combustion plant that is not a new combustion plant. [↑](#footnote-ref-5)
5. New combustion plant means - a combustion plant first permitted at the installation following the publication of the BAT Conclusions set out in the LCP BREF document or a complete replacement of a combustion plant on the existing foundations following the publication of the BAT Conclusions. [↑](#footnote-ref-6)
6. In accordance with the Retained EU Law (Revocation and Reform) Act 2023, the MCPD - as transposed by the 2013 PPC Regulations (as amended) - is ‘retained EU law’. [↑](#footnote-ref-7)
7. DESNZ - The Department for Energy Security & Net Zero [↑](#footnote-ref-8)