

# **The Environmental Permitting (England and Wales) Regulations 2016**

The Environmental Protection (England) (Medium Combustion Plant) (New Fuel) Direction 2024

The Secretary of State, in exercise of the powers conferred by regulation 62(1) and (2) of the Environmental Permitting (England and Wales) Regulations 2016 gives the following Direction –

## **1. Citation, commencement and application**

(1) This Direction may be cited as the Environmental Protection (England) (Medium Combustion Plant) (New Fuel) Direction 2024.

(2) This Direction shall come into force on 27 September 2024, and shall remain in force until withdrawn.

(3) This Direction applies to England only.

## **2. Interpretation**

In this Direction –

“the 2016 Regulations” means the Environmental Permitting (England and Wales) Regulations 2016<sup>1</sup>;

“the Agency” means the Environment Agency as in regulation 2 of the 2016 Regulations;

“combustion plant” has the meaning given in regulation 2 of the 2016 Regulations;

“ELV” means the permissible quantity of a substance contained in the waste gases from a combustion plant which may be discharged into the air during a given period;

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<sup>1</sup> S.I. 2016/1154.

“MCP” means a medium combustion plant as defined in paragraph 2(1) of Schedule 25A to the 2016 Regulations;

“MCPD” means the Medium Combustion Plant Directive (Directive 2015/2193/EU);

“new fuel” means a fuel, other than gas oil, natural gas and biomass (as those terms are defined in article 3 of the MCPD) and where gas oil is in a liquid state, natural gas is in a gaseous state and biomass is in a solid state.

### **3. Medium Combustion Plant operating on new fuels**

(1) In carrying out its functions (including pursuant to paragraphs 4(1)(d) and (e), 4(3) and 6 of Schedule 25A to the 2016 Regulations) it is directed that the Agency may set ELVs for a new fuel used in an MCP and may also update those ELVs.

(2) When setting or updating an ELV in paragraph (1) the Agency shall follow an evidence-based approach that:

- (i) considers the characteristics of the MCP;
- (ii) provides either a higher level of protection for the environment or at least the same general level of protection for the environment that would otherwise have been afforded by applying emission limits set in accordance with the provisions of Part 2 of Schedule 25A to the 2016 Regulations; and
- (iii) takes account of the views of the operator of the MCP and any other party the Agency considers should be consulted.

Signed by authority of the Secretary of State for Environment Food and Rural Affairs.

A handwritten signature in blue ink, appearing to read 'JBR', is centered at the top of the page. The signature is fluid and cursive.

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Date: 26 September 2024