

# **CONSULTATION ON TRANSPOSITION OF THE MEDIUM COMBUSTION PLANT DIRECTIVE IN SCOTLAND – SUMMARY OF RESPONSES**

## **Background**

On 16 December 2016 the Scottish Government published a consultation on proposals for transposing the Medium Combustion Plant Directive. The consultation closed on 10 March 2017 with 17 responses received.

## **Overview**

Responses were generally supportive of the proposals. Specific points raised by consultees are briefly reviewed by consultation question in the following section. Some questions are not included in this summary. In these cases, consultees either offered no views, agreed with the proposals or simply requested further information or clarification, points which will be addressed during drafting of the regulations and guidance.

## **Points raised**

**Q1. Do you have any views on whether the flexibility for cold weather should be applied in Scotland? It would be helpful if you could provide a justification for these views, whether for or against.**

Of those consultees that offered a view, four considered that the exemption should not be applied, largely because of the potential impact on local air quality. Two consultees were in favour, although one qualified this response by stating it should be subject to local air quality being protected. Three further consultees offered views, two stating that it was unclear under what circumstances the exemption would be required and one stating that the terms should be clearly defined.

**Q2. Do you agree that the remaining flexibilities should be applied?**

Four consultees were of the view that all the flexibilities should not be applied, as in the responses to Q1 generally related to potential impact on local air quality.

**Q4. Do you agree that SEPA should be designated the competent authority for MCPD?**

One consultee considered that local authorities should be the competent authority, with SEPA consulted as necessary.

**Q5. Do you agree with the proposed approach to permitting and registration?**

One consultee thought that the timescales for applying Emission Limit Values should be more ambitious.

**Q7. Do you agree with the suggested approach for compliance checks?**

One consultee considered that a real time monitoring system should be feasible. Another consultee suggested more frequent compliance checks than those proposed.

**Q8. Do you agree that reporting on non-compliances with Emission Limit Values should be restricted only to those listed?**

Two consultees were of the view that conditions for reporting non compliance need to be more clearly defined. One suggested that a 24 hour period for addressing non compliance is unrealistic. A further consultee suggested that reporting should not be restricted to those listed as this could change over time.

**Q12. Do you consider that the proposed approach for dealing with high NO<sub>x</sub> generators in England and Wales would be appropriate for Scotland? It would be helpful if you could provide a justification for any views offered.**

**Q13. If you do not consider the proposed approach to be appropriate, do you have an alternative proposal or do you consider that no such controls are required in Scotland?**

Five consultees offered specific views on these questions and were of the view that controls are required in Scotland. Four stated that controls in Scotland should be consistent with those proposed for England and Wales, although one of these was of the view that England and Wales proposals are not ambitious enough. A further consultee suggested that controls in Scotland should be more stringent.

**Next steps**

The views expressed by consultees will be taken into account by the Scottish Government and SEPA as the transposition regulations and guidance are developed. Transposition is required to be completed by 19 December 2017.