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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 390**

**The Waste Incineration Regulations (Northern Ireland) 2003**

**Application in relation to waste incineration installations**

3.—(1) Subject to paragraph (7), where an existing waste incineration installation is subject on 31st December 2004 to a permit, the operator shall within the period 1st to 28th February 2005 make an application under regulation 17 of the 2003 Regulations for a variation of the conditions of that permit.

(2) Subject to paragraph (7), where an existing waste incineration installation (not being one falling within section 5.1 of Part 1 of Schedule 1 of the 2003 Regulations), is subject on 31st December 2004 to an authorisation, the operator shall within the period 1st to 28th February 2005 either –

- (a) apply under Article 11 of the 1997 Order for a variation of the conditions of the authorisation; or
- (b) make an application for a permit under regulation 10 of the 2003 Regulations.

(3) An application under paragraph (1) or (2) shall contain the information specified in paragraph 1A of Part 1 of Schedule 4 of the 2003 Regulations.

(4) Subject to paragraph (7), where a waste incineration installation would have fallen within paragraph (a), (b)(i) or (b)(ii) of the definition of existing waste incineration installation in regulation 2 had it been put into operation before the date specified in the applicable paragraph, it shall not thereafter be put into operation unless –

- (a) in the case of an installation which is already subject to a permit, the permit is varied pursuant to an application under regulation 17 of the 2003 Regulations; or
- (b) in any other case, a permit is granted in relation to the installation.

(5) Where an operator fails to comply with a requirement of this regulation the Chief Inspector shall serve a notice on the operator specifying the period within which he must comply with that requirement.

(6) A notice served under paragraph (5) shall be treated as an enforcement notice served under regulation 24(1) of the 2003 Regulations.

(7) Paragraphs (1), (2) and (4) shall not apply where an operator holds a relevant approval, which contains conditions requiring the operator to meet the requirements of the Directive.