SCHEDULE 1

ACTIVITIES, INSTALLATIONS AND MOBILE PLANT

PART 2

INTERPRETATION OF PART 1

1. The following rules apply for the interpretation of Part 1 of this Schedule.

2.—(1) Subject to sub-paragraph (2), an activity shall not be taken to be a Part B or Part C activity if it cannot result in the release into the air of a substance listed in paragraph 12 or there is no likelihood that it will result in the release into the air of any such substance except in a quantity which is so trivial that it is incapable of causing pollution or its capacity to cause pollution is insignificant.

(2) Sub-paragraph (1) does not apply to an activity which may give rise to an offensive smell noticeable outside the site where the activity is carried out.

3. An activity shall not be taken to be an activity falling within Part 1 if it is carried out in a working museum to demonstrate an industrial activity of historic interest or if it is carried out for educational purposes in a school as defined by Article 2(1) of the Education and Libraries (Northern Ireland) Order 1986(**1**).

4. The running on or within an aircraft, hovercraft, mechanically propelled road vehicle, railway locomotive or ship or other vessel of an engine which propels or provides electricity for it shall not be taken to be an activity falling within Part 1.

5. The running of an engine in order to test it before it is installed or in the course of its development shall not be taken to be an activity falling within Part 1.

6.—(1) The use of a fume cupboard shall not be taken to be an activity falling within Part 1 if it is used as a fume cupboard in a laboratory for research or testing and it is not–

(i) a fume cupboard which is an industrial and continuous production activity enclosure; or

(ii) a fume cupboard in which substances or materials are manufactured.

(2) In sub-paragraph (1) "fume cupboard" has the meaning given by the British Standard "Laboratory fume cupboards" published by the British Standards Institution numbered BS7258 : Part I : 1990.

7. An activity shall not be taken to fall within Part 1 if it is carried out as a domestic activity in connection with a private dwelling.

8. References in Part 1 to related activities are references to separate activities being carried out by the same person on the same site.

9.—(1) This paragraph applies for the purpose of determining whether an activity carried out in a stationary technical unit falls within a description in Part A which refers to capacity, other than design holding capacity.

(2) Where a person carries out several activities falling within the same description in Part A in different parts of the same stationary technical unit or in different stationary technical units on the same site, the capacities of each part or unit, as the case may be, shall be added together and the total capacity shall be attributed to each part or unit for the purpose of determining whether the activity carried out in each part or unit falls within a description in Part A.

(**1**) S.I. 1986/594 (NI 3)

(3) For the purpose of sub-paragraph (2), no account shall be taken of capacity when determining whether activities fall within the same description.

(4) Where an activity falls within a description in Part A by virtue of this paragraph it shall not be taken to be an activity falling within a description in Part B or Part C.

10.—(1) Where an activity falls within a description in Part A and a description in Part B that activity shall be regarded as falling only within the description in Part A.

(2) Where an activity falls within a description in Part A and a description in Part C that activity shall be regarded as falling only within the description in Part A.

(3) Where an activity falls within a description in Part B and a description in Part C, that activity shall be regarded as falling only within that description which fits it most aptly.

11. In Part 1 of this Schedule–

"background quantity" means, in relation to the release of a substance resulting from an activity, such quantity of that substance as is present in–

(i) water supplied to the site where the activity is carried out;

(ii) water abstracted for use in the activity; and

(iii) precipitation onto the site on which the activity is carried out;

"Part A activity" means an activity falling within Part A of any Section in Part 1 of this Schedule;

"Part B activity" means an activity falling within Part B of any Section in Part 1 of this Schedule;

"Part C activity" means an activity falling within Part C of any Section in Part 1 of this Schedule.

12. References to, or to the release into the air of, a substance listed in this paragraph are to any of the following substances–

oxides of sulphur and other sulphur compounds;

oxides of nitrogen and other nitrogen compounds;

oxides of carbon;

organic compounds and partial oxidation products;

metals, metalloids and their compounds;

asbestos (suspended particulate matter and fibres), glass fibres and mineral fibres;

halogens and their compounds;

phosphorus and its compounds;

particulate matter.

13. References to, or to the release into water of, a substance listed in this paragraph or to its release in a quantity which, in any period of 12 months, is greater than the background quantity by an amount specified in this paragraph are to the following substances and amounts–

Substance	*Amount greater than the background quantity (in grammes) in any period of 12 months*
Mercury and its compounds	200 (expressed as metal)
Cadmium and its compounds	1,000 (expressed as metal)
All isomers of hexachlorocyclohexane	20

Substance	*Amount greater than the background quantity (in grammes) in any period of 12 months*
All isomers of DDT	5
Pentachlorophenol and its compounds	350 (expressed as PCP)
Hexachlorobenzene	5
Hexachlorobutadiene	20
Aldrin	2
Dieldrin	2
Endrin	1
Polychlorinated Biphenyls	1
Dichlorvos	0.2
1,2 – Dichloroethane	2,000
All isomers of trichlorobenzene	75
Atrazine	350*
Simazine	350*
Tributyltin compounds	4 (expressed as TBT)
Triphenyltin compounds	4 (expressed as TPT)
Trifluralin	20
Fenitrothion	2
Azinphos-methyl	2
Malathion	2
Endosulfan	0.5

*Where both Atrazine and Simazine are released, the figure for both substances in aggregate is 350 grammes.

14.—(1) References to a substance listed in this paragraph are to any of the following substances–

alkali metals and their oxides and alkaline earth metals and their oxides;

organic solvents;

azides;

halogens and their covalent compounds;

metal carbonyls;

organo-metallic compounds;

oxidising agents;

polychlorinated dibenzofuran and any congener thereof;

polychlorinated dibenzo-p-dioxin and any congener thereof;

polyhalogenated biphenyls, terphenyls and naphthalenes;

phosphorus;

pesticides.

(2) In sub-paragraph (1), “pesticide” means any chemical substance or preparation prepared or used for destroying any pest, including those used for protecting plants or wood or other plant products from harmful organisms, regulating the growth of plants, giving protection against harmful creatures, rendering such creatures harmless, controlling organisms with harmful or unwanted effects on water systems, buildings or other structures, or on manufactured products, or protecting animals against ectoparasites.