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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 245**

**ENVIRONMENTAL PROTECTION**

**The Pollution Prevention and Control  
(Amendment) Regulations (Northern Ireland) 2007**

*Made* - - - - *18th April 2007*  
*Coming into operation* *20th May 2007*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Article 4 of the Environment (Northern Ireland) Order 2002 (1)

In accordance with Article 4(4) of that Order, it has consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies or persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such other bodies and persons as it considers appropriate.

**Citation and commencement**

1. These Regulations may be cited as the Pollution Prevention and Control (Amendment) Regulations (Northern Ireland) 2007 and come into operation on 20th May 2007.

**Amendment to the Pollution Prevention and Control Regulations (Northern Ireland) 2003**

2.—(1) The Pollution Prevention and Control Regulations (Northern Ireland) 2003(2) shall be amended as follows.

(2) For Part A of Section 1.1 (Combustion Activities) of Chapter 1 of Part 1 of Schedule 1 substitute—

*“Part A*

- (a) Burning any fuel in an appliance with a rated thermal input of 50 megawatts or more.
- (b) Burning any of the following fuels in an appliance with a rated thermal input of 3 megawatts or more, but less than 50 megawatts, unless the activity is carried out as part of a Part B or Part C activity—
  - (i) waste oil;

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(1) S.I. 2002 No. 3153 (N.I.7)

(2) S.R. 2003 No. 46 as amended by S.R. No. 390, S.R. 2003 No. 496, S.I.2003/3311, 2004 No. 36, S.R. 2004 No. 297, S.R. 2004 No. 507, S.R. 2005 No. 285, S.R. 2005 No. 300, S.R. 2005 No. 454, and S.R. 2006 No. 98

- (ii) recovered oil;
  - (iii) subject to the conditions of paragraph (c), any fuel manufactured from, or comprising, any other waste.
- (c) The conditions referred to in paragraph (b)(iii) are that the fuel—
- (i) results from a gas produced by biological degradation of waste on landfill that is not subject to a permit under these Regulations, but is regulated by a waste management licence granted under Article 8 of the Waste and Contaminated Land (Northern Ireland) Order 1997<sup>(3)</sup>;
  - (ii) is burnt in an appliance that is used on landfill that is not regulated under these Regulations but in respect of which a waste management licence is in force; and
  - (iii) is utilised as part of a combustion activity that is not separately permitted under a landfill permit as defined in regulation 6(2) of the Landfill Regulations (Northern Ireland) 2003<sup>(4)</sup>.
- (d) In paragraph(c), where a landfill becomes subject to a permit granted under regulation 10 in respect of a Part A activity referred to in Section 5.2 of Chapter 5 of this part after the 20th May 2007 but before 31 October 2007, the combustion activity shall not be treated as a Section 1.1 activity.

#### *Interpretation of Part A.*

- (e) For the purpose of paragraph 2(2)(a), where two or more appliances with an aggregate rated thermal input of 50 megawatts or more are operated on the same site by the same operator those appliances shall be treated as a single appliance with a rated thermal input of 50 megawatts or more.”
- (3) In Part C of Section 1.2 (Gasification, Liquefaction and Refining Activities)—
- (a) after paragraph (b) add—
    - “(c) Motor vehicle refuelling activities at existing service stations, if the petrol refuelling throughput at the service station in any period of twelve months commencing on or after 1st January 2007 is, or is likely to be, 3500m<sup>3</sup> or more.
    - (d) Motor vehicle refuelling activities at new service stations, if the petrol refuelling throughput at the service station in any period of twelve months is likely to be 500m<sup>3</sup> or more.”;
  - (b) under the heading “Interpretation of Part C”, in paragraph 1 after the words “In this Part” insert—
    - ““existing service station” means a service station—
    - (a) which is put into operation; or
    - (b) for which planning permission under the Planning (Northern Ireland) Order 1991<sup>(5)</sup> was granted, before 31st December 2009;”;
  - (c) under the heading “Interpretation of Part C”, in paragraph 1 before the definition of “petrol” insert—
    - ““new service station” means a service station which is put into operation on or after 31st December 2009 other than an existing service station;”;

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(3) S.I. 1997 No.2778 (N.I. 19)

(4) S.R. 2003 No. 496

(5) S.I. 1220 (N.I. 11) to which there are amendments not relevant to these Regulations

(4) In paragraph (h) of Part A of Section 5.1 (Incineration and Co-incineration of Waste), after “burning” insert “landfill gas or”.

(5) Schedule 3 (Prescribed Date and Transitional Arrangements) is amended as follows—

(a) in Part 3 (SED Installations)—

(i) in paragraph 14(1), after “paragraphs” insert “14A.”;

(ii) after paragraph 14 insert—

“**14A.** — (1) An operator of an existing SED installation—

(a) involving only dry cleaning as defined in paragraph (2) of Part C of Section 7 of Part 1 of Schedule 1 (SED Activities), by means of coin-operated dry cleaners; and

(b) in respect of which no application for a permit to operate the existing SED installation is duly made by 31st October 2006,

shall be deemed to have made a notification to the regulator of his undertaking to cease to operate that existing SED installation by 31st October 2007.

(2) Where sub-paragraph (1) applies, the operator of an existing SED installation shall be relieved of the requirement to apply for a permit under regulation 10 (Permits: general provisions), and the operation of that existing SED installation until 31st October 2007 without a permit shall not constitute an offence under paragraph (1)(a) of regulation 33 (Offences).

(3) For the purposes of sub-paragraph (1) “coin-operated dry cleaners” include dry cleaning machines functioning by means of coins, tokens, cards or other similar triggering mechanisms.”;

(b) After Part 4, insert a new Part 5 as set out in the Schedule.

Sealed with the Official Seal of the Department of the Environment on 18 April 2007



*Wesley Shannon*  
A senior officer of the Department of the  
Environment

SCHEDULE

Regulation 2(5)(b)

NEW PART 5 OF SCHEDULE 3 TO THE POLLUTION PREVENTION  
AND CONTROL REGULATIONS (NORTHERN IRELAND) 2003

“PART 5: REFUELLING INSTALLATIONS

21.—(1) Parts 1 and 2 of this Schedule apply to existing refuelling installations and new refuelling installations subject to the provisions of this Part.

(2) The prescribed date for a new refuelling installation is the relevant date.

(3) The prescribed date for an existing refuelling installation is—

(a) where an application for a permit to operate the existing refuelling installation is made by the relevant date, the determination date for that existing refuelling installation; or

(b) where no such application is made, the relevant date.

(4) Where an installation which is subject to a permit under these Regulations contains an existing refuelling installation, the operator shall not operate that installation after the prescribed dates except under and to the extent authorised by a variation of the conditions of that permit granted by the regulator under regulation 17.

(5) Paragraph 9 of Part 2 of this Schedule shall not apply to an existing Part C installation or mobile plant which consists only of an existing refuelling installation.

(6) In this Part—

“existing refuelling installation” means an installation where an activity falling within paragraph (c) of Part C of Section 1.2 of Schedule 1 is carried out;

“determination date” has the same meaning as in paragraph 6 of Part 1 of Schedule 3;

“new refuelling installation” means an installation where an activity falling within paragraph (d) of Part C of Section 1.2 of Schedule 1 is carried out; and

“the relevant date” is 1st January 2010.”

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Pollution Prevention and Control Regulations (Northern Ireland) 2003 (the “PPC Regulations”).

Regulation 2(2) amends Part A of Section 1.1 (Combustion Activities) of Part 1 of Schedule 1 to identify the circumstances in which fuel that comprises waste gases from landfill can be burnt by combustion appliances with an aggregated rated thermal input of 3 megawatts or more, but less than 50 megawatts, without requiring a combustion activity permit under the PPC Regulations.

Regulation 2(3) amends Part C of Section 1.2 (Gasification, Liquefaction and Refining Activities) of Part 1 of Schedule 1 to the PPC Regulations by adding motor vehicle refuelling activities to the list of activities that require a permit under the PPC Regulations. This meets a UK obligation arising from the UN Economic Committee for Europe Geneva Protocol to the 1979 Convention on

Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes. This Protocol entered into force on 29 September 1997 following its adoption in November 1991. The Protocol can be seen on the UNECE website at <http://www.unece.org>.

Regulation 2(4) amends Section 5.1 (Incineration and Co-incineration of Waste) of Part 1 of Schedule 1 to the PPC Regulations by clarifying that incineration incidentally in the course of burning of landfill gas is not subject to permitting under the PPC Regulations.

Regulation 2(5) amends Schedule 3 (Prescribed Date and Transitional Arrangements) to exempt certain operators of coin operated dry cleaning machines who choose not to make an application for a permit before 31st October 2006 from the permit requirements of the Solvent Emissions Directive [1999/13/EC](#) on the basis that they agree to cease carrying out operations that fall within the scope of that Directive at the installation before the 31st October 2007. It also inserts a new Part 5 to Schedule 3 relating to refuelling installations with regard to regulation 2(3).

A regulatory impact assessment in relation to these Regulations has been placed in the library of the Northern Ireland Assembly. A copy can be obtained from Environmental Policy Division, 20-24 Donegall Street, Belfast BT1 2GP.