

SCHEDULES

SCHEDULE 4

GRANT OF PERMITS

PART 1

APPLICATIONS FOR PERMITS

1.—(1) An application to an enforcing authority for a permit under regulation 10 shall be in writing and, subject to paragraphs 2 to 5, shall contain the following information—

- (a) the name, telephone number and address (including post code) of the applicant and, if different, any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, its registered number, the address of its registered or principal office and, if that body corporate is a subsidiary of a holding company, within the meaning of the Companies Act 2006⁽¹⁾, the name of the ultimate holding company and the address of its registered or principal office;
- (b) in the case of an application for a permit to operate an installation or Part A mobile plant, the address of the site of the installation or mobile plant and its Irish grid reference, a map or plan showing that site and, in the case of an installation, the location of the installation on that site and the name of any district council in whose district the site is situated;
- (c) in the case of an application for a permit to operate a Part B or Part C mobile plant, the name of the district council in whose district the applicant has their principal place of business and the address of that place of business or, where the operator of the mobile plant has their principal place of business outside of Northern Ireland, the name of the district council in whose district the plant was first operated or, where the plant has not been operated in Northern Ireland, the district council in whose district it is intended by the operator that the plant will first be operated;
- (d) a description of the installation or mobile plant, the activities listed in Part 1 of Schedule 1 to be carried out in the installation or by means of the mobile plant and, in the case of an installation, any other directly associated activities to be carried out on the same site as the installation;
- (e) the nature, quantities and sources of foreseeable emissions from the installation or mobile plant into each environmental medium and a description of any foreseeable significant effects of the emissions on the environment;
- (f) for a Part B or Part C installation or a Part B or Part C mobile plant, the reference to emissions from the installation or mobile plant into each environmental medium in head (e) shall be read as a reference to emissions from the installation or mobile plant into the air;
- (g) the proposed technology and other techniques for preventing or, where that is not practicable, reducing emissions from the installation or mobile plant;
- (h) the proposed measures to be taken to monitor the emissions;

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- (i) a description of any proposed additional measures to be taken to comply with the general principles set out in regulation 11;
 - (j) in the case of an application for a permit to operate an installation or mobile plant covered by general binding rules, a statement as to whether the applicant wishes the aspects of the operation of the installation or mobile plant covered by the requirements in the rules to be subject to those requirements instead of conditions included in the permit; and
 - (k) any additional information which the applicant wishes the enforcing authority to take into account in considering the application.
- (2) An application to the chief inspector to operate a Part A installation or Part A mobile plant shall additionally require the following information—
- (a) subject to sub-paragraph (4), a site report containing the information required by sub-paragraph (3);
 - (b) the raw and auxiliary materials and other substances and the energy to be used in or generated by the carrying out of the activities referred to in sub-paragraph (1)(d);
 - (c) a description of the measures to be taken for the prevention, preparation for re-use, recycling and recovery of waste generated by the operation of the installation or mobile plant;
 - (d) any relevant information obtained or conclusion arrived at in relation to the installation pursuant to Articles 5, 6, 7 and 9 of Directive 2011/92/EU(2) of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification);
 - (e) in the case of an application for a permit that will authorise the carrying out of a specified waste management activity, any information which the applicant wishes the chief inspector to take into account when considering whether the applicant is a fit and proper person to carry out that activity;
 - (f) an outline of the main alternatives to the proposed technology, techniques or measures, if any, studied by the applicant; and
 - (g) a non-technical summary of the information referred to in sub-paragraphs (1) and (2) .
- (3) The site report required by sub-paragraph (2)(a) shall describe the condition of the site of the Part A installation or Part A mobile plant and shall, in particular, identify any substance in, on or under the land which may constitute a pollution risk.
- (4) Where a Part A activity involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil and groundwater contamination at the site of the installation or mobile plant, the operator shall also prepare and submit to the chief inspector a baseline report before starting operation of an installation. The information within the baseline report—
- (a) shall contain the information necessary to determine the state of soil and groundwater contamination so as to make a quantified comparison with the state upon definitive cessation of activities, and shall contain at least the following information—
 - (i) information on the present use and, where available, on past uses of the site; and
 - (ii) where available, existing information on soil and groundwater measurements that reflect the state at the time the report is drawn up or, alternatively, new soil and groundwater measurements having regard to the possibility of soil and groundwater contamination by those hazardous substances to be used, produced or released by the installation concerned; and

(2) O.J. No. L26, 28.1.2012, p1

(b) may include, or have attached to it, information produced pursuant to other national or European Union law which fulfils the requirements of head (a).

(5) The requirements in sub-paragraphs (2)(a) and (4) shall not apply to any part of an application which relates to an activity falling within paragraphs (b), (d), (g) or (h) of Part A of section 5.1 of Schedule 1.

2. An application for a permit to operate a waste incineration installation shall in addition to the information specified in paragraph 1, contain a description of the measures which the operator proposes to undertake in order to ensure that—

- (a) the plant is designed, equipped and will be operated in such a manner that the requirements of Chapter IV of the IED are met, taking into account the categories of waste to be incinerated;
- (b) the heat generated during the incineration and co-incineration process is recovered as far as practicable, for example through combined heat and power, the generating of process steam or district heating;
- (c) the residues will be minimised in their amount and harmfulness and recycled where appropriate;
- (d) the disposal of the residues which cannot be prevented, reduced or recycled will be carried out in conformity with national and European Union law; and
- (e) the proposed measurement techniques for emissions into the air and water comply with Annex VI of the IED.

3. An application for a landfill permit, where an activity falling within Part A of section 5.2 in Part 1 of Schedule 1 is carried out, shall contain the following additional information—

- (a) a description of the types and total quantity of waste to be deposited;
- (b) the proposed capacity of the disposal site;
- (c) a description of the site, including its hydrogeological and geological characteristics;
- (d) the proposed operation, monitoring and control plan;
- (e) the proposed plan for the closure and after-care procedures; and
- (f) the financial provision required by virtue of regulation 4(3)(b).

4.—(1) An application for a permit to operate an installation which contains a SED installation shall, in addition to the information specified in paragraphs 1 and where applicable 2, include a description of the measures which are envisaged to guarantee in respect of that installation that the installation is designed, equipped and will be operated in such a manner that the requirements of Chapter V of the IED are met.

(2) That description shall include—

- (a) where the operator wishes to use a reduction scheme, details of the proposed reduction scheme; and
- (b) where there is used in the SED installation substances or mixtures which, because of their content of volatile organic compounds are classified as carcinogens, mutagens or toxic to reproduction under Regulation No 1272/2008⁽³⁾ of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phrases R45, R46, R49, R60 or R61, a timetable for replacing such substances or mixtures, as far as possible, by less harmful substances or mixtures within

(3) O.J. No. L 353, 31.12.2008, p1

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the shortest possible time, taking into account the guidance referred to in Article 64 of the IED.

5. Paragraph 1(1) applies in relation to an application for a permit to operate an installation involving dry cleaning as defined in section 7 of Part 1 of Schedule 1 (SED activities), as if, in so far as the installation is concerned with the carrying out of that activity, the following heads were substituted for heads (d) to (g)—

- (d) the model name and number, description, serial number, if any, and date when the dry cleaning machine was installed, name of manufacturer and its rated capacity;
- (e) details of any spot cleaning to be undertaken and details of checking and maintenance procedures to be followed and supervision, training and qualifications of operating staff;
- (f) details of the solvents to be used, including a description of any risk phrase solvents;
- (g) details of the arrangements for storing solvents prior to use, and used solvents and solvent-contaminated materials, including a description of the location where the materials are stored;

6. The enforcing authority may, by notice in writing, require the applicant to furnish such further information as may be specified in the notice, within the period so specified, as the enforcing authority may require for the purpose of determining the application and, if the applicant fails to furnish the specified information within the period specified, the application shall, if the enforcing authority gives notice in writing to the applicant that it treats the failure as such, be deemed to have been withdrawn at the end of that period.

7. Subject to paragraph 30, the applicant shall, within the period of 28 days beginning 14 days after the date on which the application is duly made, advertise the application—

- (a) in the case of an application for a permit to operate an installation or Part A mobile plant, in at least one newspaper circulating in the locality in which the installation or Part A mobile plant covered by the application will be operated; and
- (b) in the case of an application for a permit to operate a Part A installation or Part A mobile plant, in the Belfast Gazette.

8. Any advertisement required by paragraph 7 shall—

- (a) state the name of the applicant;
- (b) in the case of an application for a permit to operate an installation or Part A mobile plant, state the address of the site of the installation or mobile plant;
- (c) describe briefly the activities in Part 1 of Schedule 1 to be carried out in the installation or mobile plant;
- (d) state that the application contains a description of any foreseeable significant effects of emissions from the installation or mobile plant on the environment;
- (e) state where, and in the case of an application for a permit to operate a Part A installation, or Part A mobile plant how and at what times, any register which contains particulars of the application may be inspected and that it may be inspected free of charge;
- (f) explain that any person may make written representations to the enforcing authority within the period of 42 days beginning with the date of the advertisement and give the enforcing authority's address for receiving the representations; and
- (g) explain that any such representations made by any person will be entered in a public register unless that person requests in writing that they should not be so entered, and that where such a request is made there will be included in the register a statement indicating only that representations have been made which have been the subject of such a request.

9. In the case of an application for a permit to operate a Part A installation or Part A mobile plant, the advertisement required by paragraph 7 shall, in addition to any information required by paragraph 8—

- (a) explain that the register, specified in paragraph 8(e), contains the particulars of the application, including the information listed in paragraphs 1 to 4; and
- (b) where applicable, state that the determination of the application is subject to a national or transboundary environmental impact assessment or to consultations between Member States in accordance with paragraph 22.

10. Where an application is for a permit to operate more than one installation or mobile plant, the application and the advertisement required by paragraph 7 shall contain the information in relation to each installation or mobile plant.

11. Paragraph 7 shall not apply in relation to an application for a permit to operate an installation involving only—

- (1) the carrying out of an activity falling within heads (b), (c), (d) or (e) of Part C of section 1.2 of Part 1 of Schedule 1; or
- (2) dry cleaning, as defined in section 7 (SED activities) of Part 1 of Schedule 1.