
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under Section 2(2) of the European Communities Act 1972. They amend the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 (“the principal Regulations”), and come into operation on 20th March 2018.

These Regulations introduce provisions relating to medium combustion plants (MCP). They transpose the European Union’s Medium Combustion Plant Directive, which lays down rules to control emissions of sulphur dioxide, nitrogen oxides and dust from MCPs. A MCP is a combustion plant with a rated thermal input equal to or greater than 1 megawatt but less than 50 megawatts. As such, some MCPs were already within the scope of the permitting regime in the principal Regulations and in those cases the provisions inserted by Part 2 will impose additional requirements.

The Regulations provide that no MCP brought into operation after 20th December 2018 can operate without a permit or being registered. In relation to MCPs already in operations as at that date, those with a rated thermal input above 5 megawatts are brought within the permitting regime from 1st January 2024 and those with a rated thermal input of 1 to 5 megawatts are brought within the permitting regime from 1st January 2029. MCPs are required to comply with emission limit values for sulphur dioxide, nitrogen oxides and dust, subject to specified exceptions.

Part 2 further amends the principal Regulations to introduce provisions in relation to certain generators (“specified generators”). Generators are electricity generating combustion plants and some will already be within the scope of the permitting regime. These Regulations impose additional requirements in relation to specified generators, to further limit emissions of nitrogen oxides.

An impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Air and Environmental Quality unit, Regulatory & Natural Resources Policy Division, Department of Agriculture, Environment and Rural Affairs (DAERA), Klondyke Building, Cromac Avenue, Gasworks Business Park, Lower Ormeau Road, Belfast, Northern Ireland, BT7 2JA.

A draft of these Regulations was notified to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9th September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p.1).