

EXPLANATORY MEMORANDUM TO
The Pollution Prevention and Control (Industrial Emissions) (Amendment)
Regulations (Northern Ireland) 2018

SR no. 33

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of, paragraph 1A of Schedule 2 to, the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of introducing the Statutory Rule is to comply with the requirements of the European Union (EU) legislation on medium combustion plant and aims to improve air quality by controlling emissions from such plant and generators.

3. Background

- 3.1. Air pollution harms our health and wellbeing and the Department is committed to improving air quality in Northern Ireland. It is a requirement for all EU Member States to comply with the legislation on Medium Combustion Plant and implementing it will enable Northern Ireland to regulate emissions of harmful pollutants from combustion and generator activities.

4. Consultation

- 4.1. A public consultation on the proposal to introduce these controls was conducted between June and August 2017. A total of 10 responses were received from business and public sector organisations. The overall response to the consultation was positive and there were no significant objections expressed about the proposed legislation.

5. Equality Impact

- 5.1. The Department has carried out a preliminary screening exercise on the proposed legislation. No adverse impacts for any of the categories in section 75 of the Northern Ireland Act 1998 were identified. A full Equality Impact assessment was therefore not required.

6. Regulatory Impact

- 6.1. The Department has used the Regulatory Impact Assessment compiled by Defra to guide and inform the introduction of this legislation in the UK. This estimated that 3.1% of the relevant plant and equipment is located in Northern Ireland.

7. Financial Implications

- 7.1. The total Net Present Value of the cost is estimated to be £13.43 million. monetised costs comprise costs of making plant compliant with emission limits, emissions monitoring, reporting and permitting and annual enforcement fees. The benefits of introducing the legislation are estimated to be £58.64 million. This is represented by the benefits of improved air quality on human health and the reduction in emissions of greenhouse gases.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Statutory Rule complies fully with the provisions of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. The Statutory Rule has been made as a result of Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants.

10. Parity or Replicatory Measure

- 10.1. The Department complied with the parity measure for GB, namely The Environmental Permitting (England and Wales) (Amendment) Regulations 2018, which entered into force on 30th January 2018. In terms of emission limits, the GB Regulations carry an exemption for the operating hours for new medium combustion plant of no more than 500 hours per year, as a rolling average over a period of three years. In the northern Ireland this operational limit is no more than 250 hours per year.

11. Additional Information

- 11.1. Not applicable.