

## SCHEDULES

### SCHEDULE 3

Regulation 9

#### PRESCRIBED DATE AND TRANSITIONAL ARRANGEMENTS

### PART 1

#### PART A INSTALLATIONS AND MOBILE PLANT

1. Save as set out in paragraph 2(b), for a Part A installation or Part A mobile plant which comes into operation after 6<sup>th</sup> January 2013, the prescribed date is 7<sup>th</sup> January 2013.

2. For a Part A installation or Part A mobile plant—

(a) which has a permit under the Pollution Prevention and Control Regulations (Northern Ireland) 2003(1) valid until 6<sup>th</sup> January 2014; or

(b) for which a duly made permit application was submitted before 7<sup>th</sup> January 2013 and which will come into operation before 7<sup>th</sup> January 2014,

the prescribed date is 7<sup>th</sup> January 2014.

3. For a Part A installation or Part A mobile plant where the activity carried out in the installation or mobile plant is not listed in Schedule 1 to the Pollution Prevention and Control Regulations (Northern Ireland) 2003 and which came into operation before 7<sup>th</sup> January 2013 and until 6<sup>th</sup> July 2015 had a relevant authorisation, the prescribed date is 7<sup>th</sup> July 2015.

4. For any Part A installation or Part A mobile plant, other than those specified in paragraphs 1 to 3 of this Part, the prescribed date is 7<sup>th</sup> January 2013.

#### *Interpretation of Part 1*

“relevant authorisation” means, in relation to the operation of a Part A installation or Part A mobile plant—

(a) where the operation of the installation or mobile plant before 7<sup>th</sup> January 2013 required a waste management licence under the Waste Management Licensing Regulations (Northern Ireland) 2003(2), a licence under those Regulations; or

(b) in any other case, planning permission granted under the Planning (Northern Ireland) Order 1991(3).

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(1) S.R. 2003 No.46, the relevant amendments are S.I. 2003/3311, S.R. 2003 No. 390, S.R. 2003 No. 496, S.R. 2004 No. 36, S.R. 2004 No. 507, S.R. 2005 No. 285, S.R. 2005 No. 300, S.R. 2005 No. 454, S.R. 2006 No. 98, S.R. 2006 No. 280, S.R. 2007 No. 245, S.I. 2007/2325, S.R. 2009 No. 159, S.R. 2009 No. 403, S.R. 2011 No. 2, S.R. 2011 No. 127, S.R. 2011 No. 212 and S.R. 2011 No. 402

(2) S.R.2003 No.493

(3) S.I. 1991/1220 (N.I.11)

## PART 2

### PART B AND PART C INSTALLATIONS AND MOBILE PLANT

5. The prescribed date for a Part B or Part C installation or a new Part B or Part C mobile plant is 7<sup>th</sup> January 2013.

## PART 3

### TRANSITIONAL ARRANGEMENTS

6.—(1) The enforcing authority may accept a permit issued under the Pollution Prevention and Control Regulations (Northern Ireland) 2003 as a permit for the purposes of these Regulations after the prescribed date.

(2) A permit issued under the Pollution Prevention and Control Regulations (Northern Ireland) 2003, which is accepted as a permit for the purposes of these Regulations, and which authorises an activity listed in Schedule 1 of these Regulations shall be deemed to contain the appropriate activity description from Schedule 1 of these Regulations.

(3) A Part A permit, or a permit for an activity listed in section 7 of Schedule 1, which is accepted as a permit for the purposes of these Regulations, is deemed to contain the following conditions, unless such conditions are included in the permit—

- (a) in the event that the operation of an installation or mobile plant gives rise to an incident or accident which significantly affects the environment, the operator must immediately—
  - (i) inform the regulator;
  - (ii) take the measures necessary to limit the environmental consequences of such an incident or accident; and
  - (iii) take the measures necessary to prevent further possible incidents or accidents;
- (b) in the event of a breach of any permit condition the operator of an installation or mobile plant must immediately—
  - (i) inform the regulator; and
  - (ii) take the measures necessary to ensure that compliance is restored within the shortest possible time;
- (c) in the event of a breach of any permit condition which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, the operator of a regulated facility must immediately suspend the operation of the installation or mobile plant or the relevant part of it until compliance with the permit conditions has been restored.

7. The enforcing authority must ensure that the permit is fully compliant with these Regulations after the prescribed date.

## PART 4

### APPLICATION OF THE POLLUTION PREVENTION AND CONTROL REGULATIONS (NORTHERN IRELAND) 2003

8. The Pollution Prevention and Control Regulations (Northern Ireland) 2003 shall not apply to any installation or mobile plant permitted under these Regulations.

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**Draft Legislation:** *This is a draft item of legislation. This draft has since been made as a Northern Ireland Statutory Rule: The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 No. 160*