
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations are made under Article 4 of the Environment (Northern Ireland) Order 2002. They set out a pollution control regime for the purpose of implementing the Integrated Pollution Prevention and Control Directive (Council Directive 96/61/EC) and for regulating other environmentally polluting activities not covered by the Directive. The Regulations apply to Northern Ireland.

The list of controlled activities and the type of pollution control

The Regulations control the operation of any installations or mobile plant carrying out any of the activities listed in *Part 1 of Schedule 1* to the Regulations. Installations or mobile plant used to carry out activities listed under the heading “Part A” in Part 1 of Schedule 1 (Part A installations and mobile plant) are subject to integrated pollution control by the Chief Inspector. Those used to carry out activities listed under the heading “Part B” (Part B installations and mobile plant) are subject to air pollution control by the Chief Inspector. Those used to carry out activities listed under the heading “Part C” (Part C installations and mobile plant) are subject to air pollution control by district councils. *Part 2 of Schedule 1* sets out some rules for the interpretation of Part 1 of the Schedule. *Part 3 of Schedule 1* sets out rules for the interpretation of “Part A installation” etc.

Procedural and substantive requirements

Part 1 of the Regulations (regulations 1 to 8) sets out general provisions. There are definitions in *regulations 2 and 3*. *Regulation 7* determines which installations and mobile plant are regulated by the Chief Inspector and which by the district councils (see above). *Regulation 8* deals with the appointment of the chief inspector and other inspectors.

Part 2 deals with the need for a permit to operate an installation or mobile plant covered by the Regulations (*regulation 9*), the procedure for granting permits and the contents of permits (*regulations 10 to 14 and Schedules 4 and 5*), and the treatment of permits once granted (*regulations 15 to 21 and Schedule 7*). The basic requirement for conditions of permits (*regulation 12*) is to impose emission limit values based on the best available techniques. (“Best available techniques” is defined in *regulation 2* and *Schedule 2* sets out considerations which have to be taken into account when determining the best available techniques). *Schedule 6* sets out the compensation provisions applicable where a person is required under *regulation 12* to allow an operator of an installation or Part A mobile plant to carry out work on that person’s land. *Regulation 13* provides for the Department to notify the chief inspector of conditions which it considers appropriate in relation to preventing or reducing emissions to water from Part A installations and mobile plant regulated by the chief inspector. *Regulation 14* enables the Department to make general binding rules containing requirements which may apply instead of conditions included in permits. *Regulations 15 and 17 to 21 and Schedule 7* deal with the review, variation, transfer, surrender and revocation of permits. *Regulation 16* requires the operator of a permitted installation to give the enforcing authority notice of any proposed change in the operation of that installation. *Regulation 22* provides for the Department to make charging schemes setting fees and charges to be paid in respect of applications made under the Regulations and in respect of variations, transfers, surrenders, appeals and the subsistence of permits.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part 3 (regulations 23 to 27) contains the enforcement powers under the Regulations. *Part 4 (regulation 28)* and *Schedule 9* provide for appeals to the Planning Appeals Commission. *Part 5 (regulations 29 to 32)* and *Schedule 10* set out information gathering powers and publicity requirements. *Part 6 (regulations 33 to 36)* sets out offences for contraventions of the Regulations and provides for enforcement by the High Court and the admissibility of evidence. *Part 7 (regulations 37 to 39)* enables the Department to give directions and guidance to enforcing authorities and to make plans relating to emissions. *Part 8* and *Schedule 11* deal with the disclosure of information and the consequential amendments required by the introduction of the pollution control regimes in the Regulations.

Transitional provisions

Schedule 3 sets out the transitional provisions for bringing installations and mobile plant under the control of the Regulations. Installations and mobile plant will be phased into the Regulations over a five year period. These Regulations will supersede the controls in the Industrial Pollution Control (Northern Ireland) Order 1997 and, consequently, that Order will in due course be repealed.

A regulatory impact assessment has been prepared and copies can be obtained from Environmental Policy Division, Department of the Environment, 20-24 Donegall Street, Belfast BT1 2GP. A copy has been placed in the Assembly library.

Copies of the British Standards publications referred to in these Regulations may be obtained from any of the sales outlets operated by the British Standards Institution or by post from the British Standards Institution at Standards House, 389 Chiswick High Road, London W4 4AL.