
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 160

The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

PART 3

ENFORCEMENT

Duty of the enforcing authority to undertake inspections and to ensure compliance with conditions

26.—(1) While a permit is in force it shall be the duty of the enforcing authority to take such action under these Regulations as may be necessary for the purpose of ensuring that the conditions of the permit are complied with.

(2) In the case of a Part A installation or Part A mobile plant the chief inspector shall set up a system of environmental inspections of installations and mobile plant addressing the examination of the full range of relevant environmental effects from the installations and mobile plant concerned.

(3) The chief inspector shall ensure that all installations and mobile plant are covered by an environmental inspection plan and shall ensure that this plan is regularly reviewed and, where appropriate, updated.

(4) Each environmental inspection plan shall include the following—

- (a) a general assessment of relevant significant environmental issues;
- (b) the geographical area covered by the inspection plan;
- (c) a register of the installations and mobile plant covered by the plan;
- (d) procedures for drawing up programmes for routine environmental inspections pursuant to paragraph (5); and
- (e) procedures for non-routine environmental inspections pursuant to paragraph (7).

(5) Based on the inspection plans, the chief inspector shall regularly draw up programmes for routine environmental inspections, including the frequency of site visits for different types of installations and mobile plant so that—

- (a) the period between two site visits is based on a systematic appraisal of the environmental risks of the installations and mobile plant concerned and does not exceed one year for installations and mobile plant posing the highest risks and three years for installations and mobile plant posing the lowest risks;
- (b) if an inspection has identified an important case of non-compliance with the permit conditions, an additional site visit shall be carried out within six months of that inspection;

(6) The systematic appraisal of the environmental risks shall be based on at least the following criteria—

- (a) the potential and actual impacts of the installations and mobile plant concerned on human health and the environment taking into account the levels and types of emissions, the sensitivity of the local environment and the risk of accidents;
 - (b) the record of compliance with permit conditions; and
 - (c) the participation of the operator in the European Union's eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 1221/2009⁽¹⁾ of the European Parliament and of the Council of 25 November 2009.
- (7) Non-routine environmental inspections shall be carried out to investigate serious environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance as soon as possible and, where appropriate, before the granting, reconsideration or update of a permit.
- (8) Following each site visit, the chief inspector shall—
- (a) prepare a report describing its relevant findings regarding compliance of the installation or mobile plant with the permit conditions and its conclusions on whether any further action is necessary;
 - (b) notify the operator concerned within two months of the site visit taking place; and
 - (c) make the report publicly available within four months of the site visit taking place, in accordance with Directive 2003/4/EC⁽²⁾ of the European Parliament and of the Council of 28 January 2003 on public access to environmental information.

(1) O.J. L342, 22.12.2009, p.1
(2) O.J. L41, 14.2.2003, p.26