

SCHEDULES

SCHEDULE 16

Regulation 33

REGISTERS

- 1.—(1) A register maintained by an enforcing authority under regulation 33 shall contain—
- (a) all particulars of any application made to the enforcing authority for a permit;
 - (b) all particulars of any notice to the applicant by the enforcing authority under Schedule 4 or Schedule 7 and of any information furnished in response to such a notice;
 - (c) all particulars of any advertisement published pursuant to Schedule 4 or Schedule 7 and of any representations made by any person in response to such an advertisement, other than representations which the person who made them requested should not be placed in the register;
 - (d) in a case where any such representations are omitted from the register at the request of the person who made them, a statement by the enforcing authority that representations have been made which have been the subject of such a request (but such statement shall not identify the person who made the representations in question);
 - (e) all particulars of any representations made by any person required to be given notice under Schedule 4 or Schedule 7;
 - (f) all particulars of any permit granted by the enforcing authority;
 - (g) all particulars of any notification to the enforcing authority given under regulation 18(1);
 - (h) all particulars of any application made to the enforcing authority for the variation, transfer or surrender of a permit;
 - (i) all particulars of any variation, transfer and surrender of any permit granted by the enforcing authority;
 - (j) all particulars of any revocation of a permit granted by the enforcing authority;
 - (k) all particulars of any enforcement notice or suspension notice issued by the enforcing authority or closure notice issued by the chief inspector under regulation 16(1) of the 2003 Landfill Regulations;
 - (l) all particulars of any notice issued by the enforcing authority withdrawing an enforcement notice or a suspension notice;
 - (m) all particulars of any notice of appeal under regulation 31 against a decision by the enforcing authority or a notice served by the enforcing authority, along with a statement of the grounds of appeal, a copy of any relevant correspondence between the appellant and the enforcing authority, and a copy of any decision or notice which is the subject matter of the appeal;
 - (n) all particulars of any representations with respect to the subject matter of the appeal made by any person mentioned in paragraph 3 of Schedule 15, other than representations which the person who made them requested should not be placed in the register;
 - (o) in a case where any such representations are omitted from the register at the request of the person who made them, a statement by the enforcing authority that representations have

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been made which have been the subject of such a request (but such statement shall not identify the person who made the representations in question);

- (p) all particulars of any written notification of the determination by the Planning Appeals Commission of such an appeal and any report accompanying any such written notification;
- (q) details of any conviction of or formal caution given to any person for any offence under regulation 36(1) or regulation 17(1) of the 2003 Landfill Regulations which relates to the operation of an installation or mobile plant under a permit granted by the enforcing authority, or without such a permit in circumstances where one is required by regulation 9, including the name of the person, the date of conviction or formal caution, and, in the case of a conviction, the penalty imposed and the name of the Court;
- (r) all particulars of any monitoring information relating to the operation of an installation or mobile plant under a permit granted by the enforcing authority which has been obtained by the enforcing authority as a result of its own monitoring or furnished to the enforcing authority in writing by virtue of a condition of the permit or under regulation 32(2);
- (s) in a case where any such monitoring information is omitted from the register by virtue of regulation 35, a statement by the enforcing authority, based on the monitoring information from time to time obtained by or furnished to them, indicating whether or not there has been compliance with any relevant condition of the permit;
- (t) all particulars of any other information furnished to the authority in compliance with a condition of the permit, a variation notice, enforcement notice or suspension notice, or regulation 32(2) of these Regulations or a closure notice under regulation 16(1) of the 2003 Landfill Regulations;
- (u) all particulars of any report published by an enforcing authority relating to an assessment of the environmental consequences of the operation of an installation in the locality of premises where the installation is operated under a permit granted by the enforcing authority;
- (v) all particulars of any direction given to the enforcing authority by the Department under any provision of these Regulations;
- (w) all particulars of any conditioning plan submitted under paragraph 1(3) of Schedule 4 to the 2003 Landfill Regulations or notice given under paragraph 1(5) of that Schedule;
- (x) all particulars of any notice of a decision under paragraph 1(6) of Schedule 4 to the Landfill Regulations;
- (y) all particulars of any notification or report required before definitive closure of a landfill under regulation 15(4) of the 2003 Landfill Regulations; and
- (z) all particulars of any advertisement under paragraph 19 of Schedule 4 or paragraph 9 of Schedule 7, the information specified in paragraph 20 of Schedule 4, or 10 of Schedule 7 and all particulars of any representations made by any person in response to such an advertisement, other than representations which the person who made them requested should not be placed on the register.

(2) In the case of a Part A installation or Part A mobile plant, excluding those engaged in the activities described in paragraphs (b), (d), (g) or (h) of Part A of section 5.1, the register shall contain—

- (a) the content of any decision on granting, reconsideration or updating of a permit;
- (b) the reasons on which the decision was based;
- (c) an explanation of how any representations were taken into account;
- (d) the title of BAT reference documents relevant to the installation or activity concerned;

- (e) how the permit conditions including emission limit values, have been determined in relation to the best available techniques and emission levels associated with the best available techniques;
- (f) where a derogation is granted in accordance with regulation 13(3), the specific reasons for that derogation and the conditions imposed; and
- (g) upon definitive cessation of activities, information provided by the operator in accordance with regulation 22(4)(c) and (d).

(3) In the case of a Part A installation or Part A mobile plant, excluding those engaged in the activities described in paragraphs (b), (d), (g) or (h) of Part A of section 5.1, the information listed in sub-paragraph 1(f), and (i), 2(a), (b), (f) and (g) shall be made available by the chief inspector via the internet.

2. Where an application is withdrawn by the applicant at any time before it is determined, all particulars relating to that application which are already in the register shall be removed from the register not less than two months and not more than three months after the date of withdrawal of the application, and no further particulars relating to that application shall be entered in the register.

3. Where, following an amendment of Schedule 1, these Regulations cease to apply to a description of installation or mobile plant, all particulars relating to installations or mobile plant of that description shall be removed from the register by the enforcing authority not less than two months and not more than three months after the date on which the amendment comes into force.

4. Nothing in paragraph 1 requires an enforcing authority to keep in a register maintained by it —
- (a) monitoring information relating to a particular installation or a mobile plant for more than four years after that information was entered in the register; or
 - (b) information relating to a particular installation or mobile plant which has been superseded by later information relating to that installation or mobile plant for more than four years after that later information was entered in the register,

but this paragraph does not apply to any aggregated monitoring data relating to overall emissions of any substance or class of substance from installations or mobile plant generally or from any class of installations or mobile plant.

5. Any details of a formal caution included in a register pursuant to paragraph 1(q) shall be removed from the register, by the enforcing authority, after five years have elapsed since the date on which the caution was given.