

SCHEDULES

SCHEDULE 4

GRANT OF PERMITS

PART 2

DETERMINATION OF APPLICATIONS

12.—(1) Subject to paragraph 30, the enforcing authority shall, within the period of 14 days from the date of receiving a duly made application for a permit, give notice of the application, enclosing a copy of it, to the following persons—

- (a) in the case of an application for a permit to operate an installation or Part A mobile plant, the Regional Agency for Public Health and Social Well-being in whose area the installation or mobile plant will be operated;
- (b) in the case of an application for a permit to operate a Part A installation or Part A mobile plant—
 - (i) the Food Standards Agency⁽¹⁾;
 - (ii) where the operation of the installation or mobile plant may involve the release of any substance into a sewer vested in the Department for Regional Development, that Department;
 - (iii) where the operation of the installation or mobile plant may involve an emission which may affect an area of special scientific interest or a European site, the Department of the Environment;
 - (iv) where the operation of the installation or mobile plant may involve the release of any substance into a harbour managed by a harbour authority, that harbour authority;
 - (v) where the operation of the installation or mobile plant may involve the release of any substance directly into sea fisheries waters, the Department of Agriculture and Rural Development;
 - (vi) where the operation of the installation or mobile plant may involve the release of any substance directly into inland fisheries waters, the Department of Culture, Arts and Leisure;
 - (vii) where the operation of the installation or mobile plant may involve the release of any substance directly into waters under the control of the Loughs Agency or Waterways Ireland, the Loughs Agency or Waterways Ireland;
 - (viii) where the application will be determined by the chief inspector, the district council in whose district the installation or mobile plant will be operated; and
 - (ix) where the operation of the installation or mobile plant will involve the carrying out of a specified waste management activity, the Department of the Environment (Planning Service);

(1) See section 1 of the Food Standards Act 1999 (c.28)

Status: This is the original version (as it was originally made).

- (c) in the case of an application for a permit to operate a Part B or Part C installation where the operation of the installation may involve an emission which may affect an area of special scientific interest or a European site, the Department of the Environment;
- (d) in the case of an application for a permit to operate an installation or a Part A mobile plant on a site in respect of which a major accident prevention policy document is required under regulation 5 of the Control of Major Accident Hazards Regulations (Northern Ireland) 2000⁽²⁾ or a safety report is required under regulation 7 of those Regulations, the Health and Safety Executive for Northern Ireland;
- (e) in the case of an application for a permit to operate a Part C installation involving only the carrying out of an activity falling within heads (b), (c), (d) or (e) of Part C of section 1.2 of Part 1 of Schedule 1, the petroleum licensing authority for that installation; and
- (f) in the case of all applications, such other persons as the Department may direct.

(2) In sub-paragraph (1)—

“European site” has the same meaning as in regulation 9(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995⁽³⁾;

“harbour authority” has the same meaning as in section 38(1) of the Harbours Act (Northern Ireland) 1970⁽⁴⁾;

“Health and Safety Executive for Northern Ireland” means the Health and Safety Executive established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978⁽⁵⁾;

“Regional Agency for Public Health and Social Well-being” means the Regional Agency for Public Health and Social Well-being established under Article 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009⁽⁶⁾;

“The Loughs Agency” means an agency of the Foyle, Carlingford and Irish Lights Commission, the implementation body for aquaculture and marine matters established under Article 1 of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing implementation bodies⁽⁷⁾;

“petroleum licensing authority” means a district council empowered to grant petroleum spirit licences under the Petroleum (Consolidation) Act (Northern Ireland) 1929⁽⁸⁾;

“Waterways Ireland” means the implementation body for inland waterways established under Article 1 of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing implementation bodies.

(2) S.R. 2000 No. 93

(3) S.R. 1995 No. 380

(4) 1970 c.1 (N.I.)

(5) S.I. 1978/1039 (N.I. 9)

(6) 2009 c.1 (N.I.)

(7) See Schedule 1 to the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 (S.I. 1999/859 (N.I.))

(8) 1929 c.13 (N.I.)