STATUTORY RULES OF NORTHERN IRELAND

2007 No. 245

ENVIRONMENTAL PROTECTION

The Pollution Prevention and Control (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*18th April 2007*
Coming into operation	*20th May 2007*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Article 4 of the Environment (Northern Ireland) Order 2002 (**1**)

In accordance with Article 4(4) of that Order, it has consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies or persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such other bodies and persons as it considers appropriate.

Citation and commencement

1. These Regulations may be cited as the Pollution Prevention and Control (Amendment) Regulations (Northern Ireland) 2007 and come into operation on 20th May 2007.

Amendment to the Pollution Prevention and Control Regulations (Northern Ireland) 2003

2.—(1) The Pollution Prevention and Control Regulations (Northern Ireland) 2003(**2**) shall be amended as follows.

(2) For Part A of Section 1.1 (Combustion Activities) of Chapter 1 of Part 1 of Schedule 1 substitute—

"Part A

Burning any fuel in an appliance with a rated thermal input of 50 megawatts or more.

Burning any of the following fuels in an appliance with a rated thermal input of 3 megawatts or more, but less than 50 megawatts, unless the activity is carried out as part of a Part B or Part C activity–

(i) waste oil;

(**1**) S.I. 2002 No. 3153 (N.I.7)
(**2**) S.R. 2003 No. 46 as amended by S.R. No. 390, S.R. 2003 No. 496, S.I.2003/3311, 2004 No. 36, S.R. 2004 No. 297, S.R. 2004 No. 507, S.R. 2005 No. 285, S.R. 2005 No. 300, S.R. 2005 No. 454, and S.R. 2006 No. 98

(ii) recovered oil;

(iii) subject to the conditions of paragraph (c), any fuel manufactured from, or comprising, any other waste.

The conditions referred to in paragraph (b)(iii) are that the fuel—

(i) results from a gas produced by biological degradation of waste on landfill that is not subject to a permit under these Regulations, but is regulated by a waste management licence granted under Article 8 of the Waste and Contaminated Land (Northern Ireland) Order 1997(**3**);

(ii) is burnt in an appliance that is used on landfill that is not regulated under these Regulations but in respect of which a waste management licence is in force; and

(iii) is utilised as part of a combustion activity that is not separately permitted under a landfill permit as defined in regulation 6(2) of the Landfill Regulations (Northern Ireland) 2003(**4**).

In paragraph(c), where a landfill becomes subject to a permit granted under regulation10 in respect of a Part A activity referred to in Section 5.2 of Chapter 5 of this part after the 20th May 2007 but before 31 October 2007, the combustion activity shall not be treated as a Section 1.1 activity.

Interpretation of Part A.

For the purpose of paragraph 2(2)(a), where two or more appliances with an aggregate rated thermal input of 50 megawatts or more are operated on the same site by the same operator those appliances shall be treated as a single appliance with a rated thermal input of 50 megawatts or more."

(3) In Part C of Section 1.2 (Gasification, Liquefaction and Refining Activities)—

(a) after paragraph (b) add—

"(c) Motor vehicle refuelling activities at existing service stations, if the petrol refuelling throughput at the service station in any period of twelve months commencing on or after 1st January 2007 is, or is likely to be, 3500m³ or more.

(d) Motor vehicle refuelling activities at new service stations, if the petrol refuelling throughput at the service station in any period of twelve months is likely to be 500m³ or more.";

(b) under the heading "Interpretation of Part C", in paragraph 1 after the words "In this Part" insert—

""existing service station" means a service station—

(a) which is put into operation; or

(b) for which planning permission under the Planning (Northern Ireland) Order 1991(**5**)was granted,

before 31st December 2009;;";

(c) under the heading "Interpretation of Part C", in paragraph 1 before the definition of "petrol" insert—

""new service station" means a service station which is put into operation on or after 31st December 2009 other than an existing service station;";

(4) In paragraph (h) of Part A of Section 5.1 (Incineration and Co-incineration of Waste), after "burning" insert "landfill gas or".

(5) Schedule 3 (Prescribed Date and Transitional Arrangements) is amended as follows—

(a) in Part 3 (SED Installations)—

(**3**) S.I. 1997 No.2778 (N.I. 19)
(**4**) S.R. 2003 No. 496
(**5**) S.I. 1220 (N.I. 11) to which there are amendments not relevant to these Regulations