STATUTORY RULES OF NORTHERN IRELAND

1998 No. 30

INDUSTRIAL POLLUTION CONTROL

The Industrial Pollution Control (Authorisation of Processes) (Determination Periods) Order (Northern Ireland) 1998

Made - - - -	*2nd February 1998*
Coming into operation	*2nd March 1998*

The Department of the Environment, in exercise of the powers conferred on it by paragraph 5(3) of Schedule 1 to the Industrial Pollution Control (Northern Ireland) Order 1997(**1**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Industrial Pollution Control (Authorisation of Processes) (Determination Periods) Order (Northern Ireland) 1998 and shall come into operation on 2nd March 1998.

Interpretation

2. In this Order—

"the 1997 Order" means the Industrial Pollution Control (Northern Ireland) Order 1997;

"existing process" has the same meaning as in Schedule 3 to the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998(**2**).

Extension of period for consideration of applications for existing processes

3.—(1) Subject to paragraph (2), in the case of an application for an authorisation to carry on an existing process subject to integrated central control or restricted central control, for the period mentioned in paragraph 5(1) of Schedule 1 to the 1997 Order there shall be substituted the period of nine months.

(2) In the case of an application referred to in paragraph (1) to which Article 5(2) also applies the period mentioned in paragraph (1) shall begin with the day on which the matters to be determined under Articles 21 or 22 of the 1997 Order are finally disposed of.

(**1**) S.I.1997/2777 (N.I. 18), *see* Article 2(2) for the definition of "the Department"
(**2**) S.R. 1998 No. 28

Variation of period for consideration of applications by district councils

4.—(1) Subject to paragraph (3), in the case of an application to which paragraph (2) applies, for the period mentioned in paragraph 5(1) of Schedule 1 to the 1997 Order there shall be substituted, the period of two months beginning with the day on which the enforcing authority received the application.

(2) This paragraph applies to an application for an authorisation to carry on any process which—

(a) is not an existing process;

(b) falls within the description set out in paragraph (*c*) of Part C of section 1.3 of Schedule 1 to the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998 (burning waste oil to produce energy);

(c) involves only the use of one or more appliances having a net rated thermal input, or aggregate net rated thermal input, not exceeding 0.4 megawatts; and

(d) does not involve the burning of waste oil generated otherwise than as a result of activities carried on by the applicant on the premises where the process is to be carried on.

(3) In the case of an application to which paragraph (2) applies and to which Article 5(2) also applies the period mentioned in paragraph (1) shall begin with the day on which the matters to be determined under Articles 21 or 22 of the 1997 Order are finally disposed of.

Extension of period for consideration of applications for processes involving information affecting national security or certain confidential information

5.—(1) Subject to Articles 3(2) and 4(3), in the case of an application to which paragraph (2) applies, for the period mentioned in paragraph 5(1) of Schedule 1 to the 1997 Order there shall be substituted the period mentioned in paragraph (3).

(2) This paragraph applies to an application for an authorisation to carry on a process in relation to which—

(a) a matter falls to be determined by the Secretary of State under Article 21(2) or (4) of the 1997 Order;

(b) an application is made to an enforcing authority under Article 22(2) of the 1997 Order; or

(c) an objection is made to such an authority under Article 22(4) of the 1997 Order.

(3) The period to be substituted in paragraph 5(1) of Schedule 1 to the 1997 Order is the period of six months beginning with the day on which the matters to be determined under Articles 21 or 22 of that Order are finally disposed of or such longer period as the enforcing authority may agree with the applicant.

(4) For the purposes of this Order, the matters to be determined under Article 21 or 22 of the 1997 Order are finally disposed of—

(a) on the date on which the Secretary of State determines under Article 21 whether or not the information in question is to be included in the register;

(b) on the date on which the enforcing authority is treated under Article 22(3) as having made a determination;

(c) in a case where the enforcing authority determines under Article 22(2) that the information in question is commercially confidential, on the date of the authority's determination; or

(d) in a case where the enforcing authority determines under Article 22(2) or (4) that the information in question is not commercially confidential, on the date on which the period for bringing an appeal expires without an appeal being brought or, if such an appeal is brought within that period, on the date of the final determination of the appeal by the Department or, as the case may be, the date on which the appellant withdraws his appeal.