STATUTORY RULES OF NORTHERN IRELAND

1998 No. 29

INDUSTRIAL POLLUTION CONTROL

The Industrial Pollution Control (Applications, Appeals and Registers) Regulations (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 Articles 11(1), (3) to (7), 15(10), 20(1) and (2), and 22(9) and paragraphs 1 to 3, 6 and 7 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 Regulations:

Citation and commencement

1. These regulations may be cited as the Industrial Pollution Control (Applications, Appeals and Registers) Regulations (Northern Ireland) 1998, and shall come into operation on 2nd March 1998.

Interpretation

2. In these Regulations:—

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

"particulate matter" means grit, dust or fumes;

"prescribed process" means any process the description of which is prescribed by regulation 3(1) of, and Schedule 1 to the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998(**2**);

"Schedule 1" means Schedule 1 to the Industrial Pollution Control (Northern Ireland) Order 1997.

Applications for an authorisation

3.—(1) An application to the enforcing authority for an authorisation under Article 6(2) of the Order shall be in writing and, subject to paragraphs (2) and (3), shall contain the following information—

(**1**) S.I.1997/2777 (N.I. 18), *see* Article 2(2) for the definition of "the Department" and Articles 10(9) and 20(8) for the definition of "prescribed"

(**2**) S.R. 1998 No. 28

(a) the name and address of the applicant, his telephone number, and if different any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, the address of its registered or principal office, and, if that body corporate is a subsidiary of a holding company (within the meaning of Article 4 of the Companies (Northern Ireland) Order 1986(**3**)), the name of the ultimate holding company and the address of its registered or principal office;

(b) in a case where the prescribed process will not be carried on by means of mobile plant—

(i) the name of the district council in whose area the prescribed process will be carried on;

(ii) the address of the premises where the process will be carried on;

(iii) a map or plan showing the location of those premises; and

(iv) if only part of those premises will be used for carrying on the process, a plan or other means of identifying that part;

(c) in a case where the prescribed process will be carried on by means of mobile plant—

(i) the name of the district council in whose area the applicant has his principal place of business; and

(ii) the address of that place of business;

(d) a description of the prescribed process;

(e) a list of prescribed substances (and any other substances which might cause harm if released into any environmental medium) which will be used in connection with, or which will result from, the carrying on of that process;

(f) a description of the techniques to be used for preventing the release into any environmental medium of such substances, for reducing the release of such substances to a minimum and for rendering harmless any such substances which are released;

(g) details of any proposed release of such substances into any environmental medium and an assessment of the environmental consequences;

(h) proposals for monitoring any release of such substances, the environmental consequences of any such release and the use of any techniques described in accordance with sub-paragraph (*f*);

(i) the matters on which the applicant relies to establish that the objectives mentioned in Article 7(2) of the Order (including the objective referred to in Article 7(7)) will be achieved and that he will be able to comply with the general condition implied by Article 7(4); and

(j) any additional information which he wishes the enforcing authority to take into account in considering his application.

(2) Paragraph (1) shall apply in relation to an application to the chief inspector for an authorisation in respect of a prescribed process designated for restricted central control or an application to a district council for an authorisation in respect of a prescribed process designated for local control (other than that mentioned in paragraph (3)) as if the words in brackets in sub-paragraph (*i*) were omitted and references to the release of substances into any environmental medium were references to the release of substances into the air.

(3) Paragraph (1) shall apply in relation to an application to a district council for an authorisation to carry on any prescribed process involving only the burning of waste oil in an appliance with a net rated thermal input of less than 0.4 megawatts as if the following sub-paragraphs were substituted for sub-paragraphs (*d*) to (*i*)—

(**3**) S.I. 1986/1032 (N.I. 6); Art. 4 was substituted by the provisions in Art. 62 of S.I. 1990/1504 (N.I. 10)

"(d) the name and number (if any) of the appliance and the name of its manufacturer;

(e) the net rated thermal input of the appliance and whether or not it is constructed or adapted so as to comply with the specification for fixed flued fan-assisted heaters in part 2 of the specification for oil-burning air heaters published by the British Standards Institution and numbered BS 4256 1972;

(f) details of the type of fuel to be used and its source;

(g) details of the height and location and any chimney through which waste gases produced by the appliance would be carried away;

(h) details of the efflux velocity of the waste gases leaving such a chimney produced by the appliance in normal operation;

(i) details of the fuel storage tanks of the appliance; and".

(4) In this regulation—

"net rated thermal input" means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal; and

"waste oil" means any mineral based lubricating oil which—

(a) has become unfit for the use for which it was intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil; and

(b) is generated only as a result of activities carried out by the applicant on the premises where the process is carried on.

Variation of conditions of an authorisation

4.—(1) Any notice given to an enforcing authority under Article 11(1)(*a*) of the Order of a proposed relevant change in a prescribed process shall be in writing.

(2) An application to an enforcing authority under any provision of Article 11 of the Order for the variation of the conditions of an authorisation shall be in writing.

(3) A person making—

(a) a request to an enforcing authority under Article 11(1)(*b*) of the Order for a determination of the matters mentioned in Article 11(2); or

(b) an application to such an authority under any provision of Article 11 for the variation of the conditions of an authorisation,

shall furnish the authority with his name, address and telephone number and shall also furnish the authority—

(i) in a case where the prescribed process will not be carried on by means of mobile plant, with the address of the premises where the prescribed process will be carried on;

(ii) in a case where the process will be carried on by means of mobile plant, with the address of his principal place of business;

(iii) in all cases, with a statement of any changes as respects any information supplied under regulation 3(1)(*a*) to (*c*); and

(iv) in a case where the holder of the authorisation is a body corporate which is a subsidiary of a holding company (within the meaning of Article 4 of the Companies (Northern Ireland) Order 1986) and the information has not already been supplied under regulation 3(1)(*a*), with the name of the ultimate holding company and the address of its registered or principal office.

(4) Subject to paragraph (5), a person making—

(a) a request to an enforcing authority under Article 11(1)(*b*) of the Order for a determination of the matters mentioned in Article 11(2); or

(b) an application to such an authority under Article 11(5) for the variation of the conditions of an authorisation,

shall also furnish the authority with—

(i) a description of any proposed change in the manner in which the prescribed process is carried on;

(ii) a statement of any changes as respects the matters dealt with in regulation 3(1)(*e*) to (*i*) which would result if any proposed change in the manner of carrying on the prescribed process were made;

(iii) any additional information he wishes the authority to take into account in considering his application; and

(iv) in the case of an application under Article (11)(5) of the Order, an indication of the variations which he wishes the authority to make.

(5) Paragraph (4) shall apply in relation to a process mentioned in regulation 3(3) as if sub-paragraph (ii) were omitted.

(6) A person making an application to an enforcing authority under Article 11(3)(*b*) or (4)(*b*) of the Order for the variation of conditions of an authorisation shall also furnish the authority with—

(a) an indication of the variations which he wishes the authority to make;

(b) a statement of the changes in any information supplied to the authority under paragraph (3); and

(c) any additional information which he wishes the authority to take into account in considering his application.

(7) A person making an application to an enforcing authority for the variation of the conditions of an authorisation under Article 11(6) of the Order shall also furnish the authority with—

(a) an indication of the variations he wishes the authority to make; and

(b) any additional information which he wishes the authority to take into account in considering his application.

Consultation

5.—(1) Subject to regulations 7 and 8(2), the persons to be consulted under paragraph 2, 6 or 7 of Schedule 1, are—

(a) the Department of Economic Development, in all cases;

(b) the Department of Agriculture in the case of all prescribed processes designated for integrated central control;

(c) the Department of the Environment,

(i) in the case of all prescribed processes designated for integrated central control and which may involve the release of any substance into any underground strata or waterway as defined in Part III of the Water Act 1972(**4**);

(ii) in the case of all prescribed processes designated for integrated central control and which may involve the release of any substance into a sewer;

(iii) in the case of all prescribed processes designated for integrated central control which may involve the release of any substance into any environmental medium, and in the

(**4**) 1972 c. 5 (N.I.)

case of all prescribed processes designated for restricted central control or for local control which may involve the release of any substance into the air,

which may affect an area of special scientific interest;

(d) the district council in whose district the process will be carried on,

(i) in the case of all prescribed processes designated for integrated central control which may involve the release of any substance into any environmental medium;

(ii) in the case of all prescribed processes designated for restricted central control which may involve the release of any substance, into the air (other than those which will be carried on by means of mobile plant), or in respect of which a direction under Article 5(5) of the Order is in force; and

(e) the harbour authority in the case of all prescribed processes designated for integrated central control and which may result in the release of any substance into a harbour managed by the harbour authority.

(2) Subject to regulation 8(5)(*a*), the period for notification under paragraphs 2(1), 6(2) and 7(2) of Schedule 1 shall be the period of 14 days beginning with—

(a) in the case of a notification under paragraph 2(1) of Schedule 1, the day on which the enforcing authority receives the application for an authorisation;

(b) in the case of a notification under paragraph 6(2) of Schedule 1, the day on which the authority notifies the holder of an authorisation in accordance with Article 10(5) of the Order; and

(c) in the case of a notification under paragraph 7(2) of Schedule 1, the day on which the authority receives the application for a variation of an authorisation.

(3) In this regulation "harbour authority" has the same meaning as in section 38(1) of the Harbours Act (Northern Ireland) 1970(**5**).

Advertisements

6.—(1) Subject to paragraph (4) and regulation 7, an advertisement—

(a) by an applicant under paragraph 1(2) of Schedule 1; or

(b) by the holder of an authorisation under paragraph 6(2) or 7(2) of Schedule 1

shall be published in one or more newspapers circulating in the locality in which the prescribed process will be carried on and also, in the case of a prescribed process designated for integrated central control, in the Belfast Gazette.

(2) Subject to regulation 8(5)(*b*), any such advertisement as is mentioned in paragraph (1) shall be published within a period of 28 days beginning 14 days after—

(a) in the case of an advertisement under paragraph 1(2) of Schedule 1, the day on which the application for an authorisation is made;

(b) in the case of an advertisement under paragraph 6(2) of Schedule 1, the day on which the holder of the authorisation is notified in accordance with Article 10(5) of the Order;

(c) in the case of an advertisement under paragraph 7(2) of Schedule 1, the day on which the application for a variation is made.

(3) Subject to regulation 8(4), any such advertisement shall—

(a) state the name of the applicant or, as the case may be, of the holder of the authorisation;

(**5**) 1970 c. 1 (N.I.)