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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 46**

**ENVIRONMENTAL PROTECTION**

**The Pollution Prevention and Control  
Regulations (Northern Ireland) 2003**

*To be laid before Parliament under paragraph 7(3)  
of the Schedule to the Northern Ireland Act 2000(1).*

*Made - - - - 31 January 2003*

*Coming into operation 31 March 2003*

**THE POLLUTION PREVENTION AND CONTROL  
REGULATIONS (NORTHERN IRELAND) 2003**

PART 1

GENERAL

1. Citation and commencement
2. Interpretation: general
3. Interpretation: “best available techniques”
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5. Application to the Crown
6. Applications
7. Discharge and scope of functions
8. Appointment of chief inspector and other inspectors

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9. Requirement for permit to operate installation and mobile plant
10. Permits: general provisions
11. Conditions of permits: general principles
12. Conditions of permits: specific requirements
13. Conditions of permits: Department’s notice in relation to emissions into water
14. General binding rules
15. Review of conditions of permits

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16. Proposed change in the operation of an installation
17. Variation of conditions of permits
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SCHEDULE 1 ACTIVITIES, INSTALLATIONS AND MOBILE PLANT

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PART 1 — ACTIVITIES

CHAPTER 1

ENERGY INDUSTRIES

SECTION 1.1

*COMBUSTION ACTIVITIES*

Part A

***Interpretation of Part A***

Part B

Part C

1. ***Interpretation of Part C***
2. In paragraph (c), “fuel” does not include gas produced by...  
***Interpretation of Section 1.1***

SECTION 1.2

*GASIFICATION, LIQUEFACTION AND REFINING ACTIVITIES*

Part A

1. ***Interpretation of Part A***
2. In paragraph (j), the heat treatment of oil, other than...
3. In this Part, “carbonaceous material” includes such materials as charcoal,...

Part B

Part C

1. ***Interpretation of Part C***
2. Any other expressions used in this Part which are also...

CHAPTER 2

PRODUCTION AND PROCESSING OF METALS

SECTION 2.1

*FERROUS METALS*

Part A

Part B

Part C

***Interpretation of Section 2.1***

SECTION 2.2

*NON-FERROUS METALS*

Part A

***Interpretation of Part A***

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Part B

Part C

***Interpretation of Part C***

1. ***Interpretation of Section 2.2***
2. Nothing in paragraphs (c) to (h) of Part A or...

SECTION 2.3

*SURFACE TREATING METALS AND PLASTIC MATERIALS*

Part A

Part B

Part C

CHAPTER 3

MINERAL INDUSTRIES

SECTION 3.1

*PRODUCTION OF CEMENT AND LIME*

Part A

Part B

Part C

SECTION 3.2

*ACTIVITIES INVOLVING ASBESTOS*

Part A

Part B

Part C

***Interpretation of Section 3.2***

SECTION 3.3

*MANUFACTURING GLASS AND GLASS FIBRE*

Part A

Part B

Part C

SECTION 3.4

*PRODUCTION OF OTHER MINERAL FIBRES*

Part A

Part B

Part C

SECTION 3.5

*OTHER MINERAL ACTIVITIES*

Part A

Part B

Part C

1. **Interpretation of Parts B and C**
2. Nothing in this Part applies to any activity carried out...

#### SECTION 3.6

##### *CERAMIC PRODUCTION*

Part A

Part B

Part C

**Interpretation of Parts B and C**

#### CHAPTER 4

##### THE CHEMICAL INDUSTRY

**Interpretation of Chapter 4**

#### SECTION 4.1

##### *ORGANIC CHEMICALS*

Part A

Part B

Part C

**Interpretation of Section 4.1**

#### SECTION 4.2

##### *INORGANIC CHEMICALS*

Part A

Part B

Part C

#### SECTION 4.3

##### *CHEMICAL FERTILISER PRODUCTION*

Part A

Part B

Part C

#### SECTION 4.4

##### *PLANT HEALTH PRODUCTS AND BIOCIDES*

Part A

Part B

Part C

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SECTION 4.5

*PHARMACEUTICAL PRODUCTION*

Part A  
Part B  
Part C

SECTION 4.6

*EXPLOSIVES PRODUCTION*

Part A  
Part B  
Part C

SECTION 4.7

*MANUFACTURING ACTIVITIES INVOLVING CARBON DISULPHIDE OR AMMONIA*

Part A  
Part B  
Part C

SECTION 4.8

*THE STORAGE OF CHEMICALS IN BULK*

Part A  
Part B  
Part C

CHAPTER 5

WASTE MANAGEMENT

SECTION 5.1

*DISPOSAL OF WASTE BY INCINERATION*

Part A  
Part B  
Part C

***Interpretation of Section 5.1***

SECTION 5.2

*DISPOSAL OF WASTE BY LANDFILL*

Part A  
Part B  
Part C

## SECTION 5.3

### *DISPOSAL OF WASTE OTHER THAN BY INCINERATION OR LANDFILL*

#### Part A

1. ***Interpretation of Part A***
2. Paragraph (b) shall be interpreted in accordance with Article 1...
3. Nothing in this Part applies to the treatment of waste...
4. The reference to a D paragraph number in brackets at...

#### Part B

#### Part C

## SECTION 5.4

### *RECOVERY OF WASTE*

#### Part A

1. ***Interpretation of Part A***
2. Nothing in this Part applies to the treatment of waste...
3. The reference to a R paragraph number in brackets at...

#### Part B

#### Part C

## SECTION 5.5

### *THE PRODUCTION OF FUEL FROM WASTE*

#### Part A

#### Part B

#### Part C

## CHAPTER 6

### OTHER ACTIVITIES

## SECTION 6.1

### *PAPER, PULP AND BOARD MANUFACTURING ACTIVITIES*

#### Part A

#### ***Interpretation of Part A***

#### Part B

#### Part C

## SECTION 6.2

### *CARBON ACTIVITIES*

#### Part A

#### Part B

#### Part C

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### SECTION 6.3

#### *TAR AND BITUMEN ACTIVITIES*

Part A

Part B

***Interpretation of Part B***

Part C

### SECTION 6.4

#### *COATING ACTIVITIES, PRINTING AND TEXTILE TREATMENTS*

Part A

Part B

Part C

1. ***Interpretation of Parts B and C***
2. The amount of organic solvents used in an activity shall...

### SECTION 6.5

#### *THE MANUFACTURE OF DYESTUFFS, PRINTING INK AND COATING MATERIALS*

Part A

Part B

Part C

1. ***Interpretation of Parts B and C***
2. The amount of organic solvents used in an activity shall...

### SECTION 6.6

#### *TIMBER ACTIVITIES*

Part A

Part B

Part C

***Interpretation of Part C***

### SECTION 6.7

#### *ACTIVITIES INVOLVING RUBBER*

Part A

Part B

Part C

### SECTION 6.8

#### *THE TREATMENT OF ANIMAL AND VEGETABLE MATTER AND FOOD INDUSTRIES*

Part A

Part B

Part C

***Interpretation of Section 6.8***



## SECTION 6.9

### *INTENSIVE FARMING*

Part A

Part B

Part C

#### PART 2 — INTERPRETATION OF PART 1

1. The following rules apply for the interpretation of Part 1...
2. (1) Subject to sub-paragraph (2), an activity shall not be...
3. An activity shall not be taken to be an activity...
4. The running on or within an aircraft, hovercraft, mechanically propelled...
5. The running of an engine in order to test it...
6. (1) The use of a fume cupboard shall not be...
7. An activity shall not be taken to fall within Part...
8. References in Part 1 to related activities are references to...
9. (1) This paragraph applies for the purpose of determining whether...
10. (1) Where an activity falls within a description in Part...
11. In Part 1 of this Schedule— “background quantity” means, in...
12. References to, or to the release into the air of,...
13. References to, or to the release into water of, a...
14. (1) References to a substance listed in this paragraph are...

#### PART 3 — INTERPRETATION OF “PART A INSTALLATION” ETC

15. For the purpose of these Regulations, subject to paragraph 17—...
16. For the purpose of these Regulations— “Part A mobile plant”...
17. A Part C installation where an activity within Part C...
18. A Part B installation where an activity falling within paragraph...
19. A Part B installation where an activity falling with paragraph...
20. A Part B or Part C installation where an activity...
21. Where an installation is a Part A installation, a Part...
22. Where an installation is authorised by a permit granted under...
23. In this Part, “Part A activity”, “Part B activity” and...

#### SCHEDULE 2 BEST AVAILABLE TECHNIQUES

2

1. Subject to paragraph 2, in determining best available techniques special...
2. Sub-paragraphs (1) to (3) and (9) to (12) shall not...

#### SCHEDULE 3 PRESCRIBED DATE AND TRANSITIONAL ARRANGEMENTS

3

#### PART 1 — PART A INSTALLATIONS AND MOBILE PLANT

1. The prescribed date for a new Part A installation or...
2. (1) Subject to paragraph 4, the prescribed date for an...
3. For the purpose of paragraphs 1 and 2, where separate...
4. (1) Where there is a substantial change in the operation...
5. (1) Subject to sub-paragraph (2), an application for a permit...
6. In this Part of this Schedule — “determination date” means—...

#### PART 2 — PART B AND PART C INSTALLATIONS AND MOBILE PLANT

7. The prescribed date for a new Part B or Part...
8. The prescribed date for an existing Part B or Part...
9. (1) Subject to the following provisions of this paragraph, no...
10. For the purpose of this Part of this Schedule the...
11. (1) For the purpose of this Part of this Schedule...

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12. In this Part of this Schedule— “determination date” means— for...  
SCHEDULE GRANT OF PERMITS  
4
- PART 1 — APPLICATIONS FOR PERMITS
1. (1) An application to an enforcing authority for a permit...
  2. Paragraph 1(1)(f), (j) and (p) shall not apply in relation...
  3. (1) Paragraph 1(1) shall apply in relation to an application...
  4. The enforcing authority may, by notice in writing to the...
  5. Subject to paragraph 23, the applicant shall, within a period...
  6. An advertisement required by paragraph 5 shall:
  7. Where an application is for a permit to operate more...
  8. Paragraph 5 shall not apply in relation to an application...
- PART 2 — DETERMINATION OF APPLICATIONS
9. (1) Subject to paragraph 23, the enforcing authority shall, within...
  10. Paragraph 9 shall not apply in relation to an application...
  11. (1) If the enforcing authority proposes to grant a permit...
  12. (1) Any representations made by any persons within the period...
  13. In the case of an application for a permit to...
  14. (1) The Department may give directions to the enforcing authority...
  15. (1) Except in a case where an application has been...
  16. If the enforcing authority fails to give notice of its...
  17. Where the Department is aware that the operation of an...
  18. (1) Where an application is forwarded to another Member State...
  19. In paragraphs 17 and 18, “Member State” shall be taken...
- PART 3 — NATIONAL SECURITY AND CONFIDENTIAL INFORMATION
20. The requirements of paragraph 5 of this Schedule shall not...
  21. Subject to paragraph 22, the requirements of paragraph 9(1)(b) (iv),...
  22. Paragraph 21 does not apply in relation to information which...
  23. Where a matter falls to be determined under regulation 31...
  24. For the purpose of paragraph 23, the matters to be...
- SCHEDULE POLLUTANTS  
5
- Indicative list of the main polluting substances to be taken into account if they are relevant for fixing emission limit values***
1. AIR
  2. Oxides of nitrogen and other nitrogen compounds.
  3. Carbon monoxide.
  4. Volatile organic compounds.
  5. Metals and their compounds.
  6. Dust.
  7. Asbestos (suspended particulates, fibres).
  8. Chlorine and its compounds.
  9. Fluorine and its compounds.
  10. Arsenic and its compounds.
  11. Cyanides.
  12. Substances and preparations which have been proved to possess carcinogenic...
  13. Polychlorinated dibenzodioxins and polychlorinated dibenzofurans.
  1. WATER
  2. Organophosphorus compounds.
  3. Organotin compounds.

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4. Substances and preparations which have been proved to possess carcinogenic...
5. Persistent hydrocarbons and persistent and bioaccumulable organic toxic substances.
6. Cyanides.
7. Metals and their compounds.
8. Arsenic and its compounds.
9. Biocides and plant health products.
10. Materials in suspension.
11. Substances which contribute to eutrophication (in particular, nitrates and phosphates)...
12. Substances which have an unfavourable influence on the oxygen balance...

SCHEDULE 6 COMPENSATION IN RELATION TO OFF-SITE CONDITIONS

1. (1) This Schedule applies in any case where—
2. In a case where this Schedule applies, any person who...
3. Subject to paragraph 6(3) and (5)(b), compensation shall be payable...
4. (1) Subject to sub-paragraph (2), an entitlement to compensation under...
5. (1) An application for compensation under this Schedule shall be...
6. (1) The amount to be paid by way of compensation...
7. (1) Compensation payable under this Schedule in respect of an...
8. (1) Compensation payable under this Schedule shall carry interest at...

SCHEDULE 7 VARIATION OF CONDITIONS

PART 1 — APPLICATIONS FOR VARIATION OF CONDITIONS

1. An application under regulation 17(2) for the variation of the...
2. If a proposed change in the operation of a Part...
3. The enforcing authority may, by notice in writing to the...

PART 2 — DETERMINATION OF APPLICATIONS FOR VARIATIONS AND VARIATION NOTICES

4. (1) Subject to sub-paragraphs (3) and (4), this paragraph applies...
5. (1) If the enforcing authority proposes to serve a variation...
6. (1) The Department may give directions to the enforcing authority...
7. (1) Except in a case where an application has been...
8. If the enforcing authority fails to give notice of its...
9. Where the Department is aware that an application or proposal...
10. Where an application or proposal to serve a variation notice...
11. In determining an application or before serving a variation notice...
12. In paragraphs 9 to 11, “Member State” shall be taken...

PART 3 — NATIONAL SECURITY AND CONFIDENTIAL INFORMATION

13. The requirements of paragraph 4(8) of this Schedule shall not...
14. Paragraphs 21 and 22 of Schedule 4 shall apply in...
15. Where a matter falls to be determined under regulation 31 or...
16. Paragraph 24 of Schedule 4 shall apply for the purpose...

SCHEDULE 8 SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY

1. In this Schedule— “relevant power” means a power conferred by...
2. (1) If it is shown to the satisfaction of a...

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3. (1) Subject to paragraph (10) of regulation 27, information obtained...
  4. An inspector who, in the exercise of a relevant power,...
  5. (1) Where an inspector exercises any power conferred by regulation...
- SCHEDULE 9  
APPEALS FROM DECISIONS WITH RESPECT TO PERMITS
1. (1) A person who wishes to appeal to the Planning...
  2. Notice of appeal in accordance with paragraph 1 is to...
  3. The enforcing authority shall, within 14 days of receipt of...
  4. (1) The Commission shall determine the appeal and paragraphs (1),...
- SCHEDULE 10  
REGISTERS
1. A register maintained by an enforcing authority under regulation 30...
  2. Where an application is withdrawn by the applicant at any...
  3. Where, following the amendment of Schedule 1, these Regulations cease...
  4. Nothing in paragraph 1 shall require an enforcing authority to...
  5. Any details of a formal caution included in a register...
- SCHEDULE 11  
CONSEQUENTIAL AMENDMENTS

*Pollution Control and Local Government (Northern Ireland) Order 1978*

1. In Article 38(1) of the Pollution Control and Local Government...

*Clean Air (Northern Ireland) Order 1981*

2. Immediately before Article 25 of the Clean Air (Northern Ireland)...

*Income and Corporation Taxes Act 1988*

3. In section 91A(6) of the Income and Corporation Taxes Act...

*The Radioactive Substances (Hospitals) Exemption Order (Northern Ireland) 1993*

4. In the definition of “site licence” in Article 2(1) of...

*The Conservation (Natural Habitats, &c.) Regulations (Northern Ireland) 1995*

5. After regulation 63 of the Conservation (Natural Habitats, &c.) Regulations...

*The Landfill Tax Regulations 1996*

6. In Regulation 33(4) of the Landfill Tax Regulations 1996, after...

*The Specified Risk Material Regulations (Northern Ireland) 1997*

7. The Specified Risk Material Regulations (Northern Ireland) 1997 have effect...
8. In regulation 24(9)(a)(i) and (b)(i), after “1978” insert— or permit...
9. In regulation 24(10), after “approved incinerator” insert— or an incinerator...

10. In the second column of the table in Schedule 2,...

*The Industrial Pollution Control (Northern Ireland) Order 1997*

11. In Article 6 (authorisations: general provisions) of the Industrial Pollution...

*The Waste and Contaminated Land (Northern Ireland) Order 1997*

12. In Article 5(1) (duty of care as respects waste) of...

*The Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998*

13. After regulation 3 of the Industrial Pollution Control (Prescribed Processes...

*The Special Waste Regulations (Northern Ireland) 1998*

14. In regulation 16(2) (restrictions on mixing special waste) of the...

*The Groundwater Regulations (Northern Ireland) 1998*

15. The Groundwater Regulations (Northern Ireland) 1998 have effect subject to...

16. In the definition of “authorisation” in regulation 2(1), delete “and”...

17. After “1997” in regulation 4 insert – and the Pollution...

*The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999*

18. At the end of Schedule 1 to the Controlled Waste...

*The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002*

19. In the Table in regulation 2 of the Controlled Waste...  
Explanatory Note