

---

STATUTORY INSTRUMENTS

---

**1997 No. 2777**

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

*Authorisations*

**Conditions of authorisations**

7.—(1) There shall be included in an authorisation—

- (a) subject to sub-paragraph (b), such specific conditions as the enforcing authority considers appropriate, when taken with the general condition implied by paragraph (4), for achieving the objectives specified in paragraph (2);
- (b) such conditions as are specified in directions given by the Department under paragraph (3); and
- (c) such other conditions (if any) as appear to the enforcing authority to be appropriate;

but no conditions shall be imposed for the purpose only of securing the health of persons at work (within the meaning of Part II of the Health and Safety at Work (Northern Ireland) Order 1978).

(2) Those objectives are—

- (a) ensuring that, in carrying on a prescribed process, the best available techniques not entailing excessive cost will be used—
  - (i) for preventing the release of substances prescribed for any environmental medium into that medium or, where that is not practicable by such means, for reducing the release of such substances to a minimum and for rendering harmless any such substances which are so released; and
  - (ii) for rendering harmless any other substances which might cause harm if released into any environmental medium;
- (b) compliance with any directions by the Department given for the implementation of any obligations of the United Kingdom under [F1[F2assimilated] obligations] or international law relating to environmental protection;
- (c) compliance with any limits or requirements and achievement of any quality standards or quality objectives prescribed by any Northern Ireland department under any of the relevant statutory provisions;
- (d) compliance with any requirements applicable to the grant of authorisations specified by or under a plan made by the Secretary of State under section 3(5) of the Environmental Protection Act 1990.

(3) Except as respects the general condition implied by paragraph (4), the Department may give directions to the enforcing authorities as to the conditions which are, or are not, to be included in all authorisations, in authorisations of any specified description or in any particular authorisation.

(4) Subject to paragraphs (5) and (6), there is implied in every authorisation a general condition that, in carrying on the process to which the authorisation applies, the person carrying it on must use the best available technique not entailing excessive cost—

- (a) for preventing the release of substances prescribed for any environmental medium into that medium or, where that is not practicable by such means, for reducing the release of such substances to a minimum and for rendering harmless any such substances which are so released; and
- (b) for rendering harmless any other substances which might cause harm if released into any environmental medium.

(5) In the application of paragraphs (1) to (4) to authorisations granted—

- (a) by the chief inspector in relation to a process designated for restricted central control, or
- (b) by a district council,

references to the release of substances into any environmental medium are to be read as references to the release of substances into the air.

(6) The obligation implied by virtue of paragraph (4) shall not apply in relation to any aspect of the process in question which is regulated by a condition imposed under paragraph (1).

(7) The objectives referred to in paragraph (2) shall, where the process—

- (a) is one designated for integrated central control; and
- (b) is likely to involve the release of substances into more than one environmental medium;

include the objective of ensuring that the best available techniques not entailing excessive cost will be used for minimising the pollution which may be caused to the environment taken as a whole by the releases having regard to the best practicable environmental option available as respects the substances which may be released.

(8) An authorisation for carrying on a prescribed process may, without prejudice to the generality of paragraph (1), include conditions—

- (a) imposing limits on the amount or composition of any substance produced by or utilised in the process in any period; and
- (b) requiring advance notification of any proposed change in the manner of carrying on the process.

(9) This Article has effect subject to Article 28.

(10) References to the best available techniques not entailing excessive cost, in relation to a process, include (in addition to references to any technical means and technology) references to the number, qualifications, training and supervision of persons employed in the process and the design, construction, lay-out and maintenance of the buildings in which it is carried on.

(11) It shall be the duty of enforcing authorities to have regard to any guidance issued to them by the Department for the purposes of the application of paragraphs (2) and (7) as to the techniques and environmental options that are appropriate for any description of prescribed process.

(12) In paragraph (2) “the relevant statutory provisions” are any statutory provisions contained in or made under—

- (a) Part II of<sup>F3</sup> the Water (Northern Ireland) Order 1999];
- (b) section 2 of the European Communities Act 1972;
- (c) Parts III and IV of the Pollution Control and Local Government (Northern Ireland) Order 1978;
- <sup>F4</sup>(d) Article 7 of the Clean Air (Northern Ireland) Order 1981; and
- (e) Article 4 of this Order.<sup>F5</sup> and]
- <sup>F5</sup>(f) Article 15 of the Environment (Northern Ireland) Order 2002.]

- F1** Words in art. 7(2)(b) substituted (31.12.2020) by The Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/584), regs. 1, **6**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in art. 7(2)(b) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 39(2)**
- F3** 1999 NI 6
- F4** prosp. rep. by 1997 NI 18
- F5** 2002 NI 7

**Changes to legislation:**

There are currently no known outstanding effects for the The Industrial Pollution Control (Northern Ireland) Order 1997, Section 7.