

## SCHEDULE 11

### CONSEQUENTIAL AMENDMENTS

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

5. After regulation 63 of the Conservation (Natural Habitats, &c.) Regulations (Northern Ireland) 1995(1)insert–

#### *“Permits under the Pollution Prevention and Control Regulations (Northern Ireland) 2003*

63A.—(1) Regulations 43 and 44 (requirement to consider effect on European site) apply in relation to the granting of a permit under the Pollution Prevention and Control Regulations (Northern Ireland) 2003.

(2) Where in such a case the competent authority considers that any adverse effects of the plan or project on the integrity of the European site would be avoided if the permit were subject to conditions, it may grant a permit, or cause a permit to be granted, subject to those conditions.

(3) Regulations 45 and 46 (requirement to review existing decisions and consents, etc.) apply to any such permit as is mentioned in paragraph (1).

(4) Where on the review of such a permit the competent authority considers that any adverse effects on the integrity of a European site of the carrying out or, as the case may be, the continuation of activities authorised by it would be avoided by a variation of the permit, it may vary it, or cause it to be varied, accordingly.

(5) Where any question arises as to agreeing to a plan or project, or affirming a permit on review, under regulation 44 (considerations of overriding public interest), the competent authority shall refer the matter to the Department who shall determine the matter in accordance with that regulation and give directions to the authority accordingly.”