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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under Article 4(1) of the Environment (Northern Ireland) Order 2002. They transpose Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control (Recast)). They also replace existing legislation which is listed in Schedule 17.

### **The list of controlled activities and the type of pollution control**

The Regulations control the operation of any installations or mobile plant carrying out any of the activities listed in *Part 1 of Schedule 1* to the Regulations. Installations or mobile plant used to carry out activities listed under the heading “Part A” in Part 1 of Schedule 1 (Part A installations and mobile plant) are subject to integrated pollution control by the chief inspector. Those used to carry out activities listed under the heading “Part B” (Part B installations and mobile plant) are subject to air pollution control by the chief inspector. Those used to carry out activities listed under the heading “Part C” (Part C installations and mobile plant) are subject to air pollution control by district councils.

*Part 2 of Schedule 1* sets out some rules for the interpretation of Part 1 of the Schedule. *Part 3 of Schedule 1* sets out rules for the interpretation of “Part A installation” etc.

### **Procedural and substantive requirements**

*Part 1 of the Regulations (regulations 1 to 8)* sets out general provisions. There are definitions in *regulations 2 and 3*. *Regulation 7* determines which installations and mobile plant are regulated by the chief inspector and which by the district councils (see above). *Regulation 8* deals with the appointment of the chief inspector and other inspectors.

*Part 2* deals with the need for a permit to operate an installation or mobile plant covered by the Regulations (*regulation 9*), the procedure for granting permits and the contents of permits (*regulations 10 to 16 and Schedules 4 and 5*), and the treatment of permits once granted (*regulations 17 to 20 and Schedule 7*). The basic requirement for conditions of permits (*regulations 11 to 14*) is to impose emission limit values based on BAT. (“Best available techniques” is defined in *regulation 3* and *Schedule 2* sets out considerations which have to be taken into account when determining BAT). *Schedule 6* sets out the compensation provisions applicable where a person is required under *regulation 13* to allow an operator of an installation or Part A mobile plant to carry out work on that person’s land. *Regulation 15* provides for the Department to notify the chief inspector of conditions which it considers appropriate in relation to preventing or reducing emissions to water from Part A installations and mobile plant regulated by the chief inspector. *Regulation 16* enables the Department to make general binding rules containing requirements which may apply instead of conditions included in permits. *Regulations 17, 19, 20, 21, 22, 23 and 24* and *Schedule 7* deal with the review, variation, transfer, surrender and revocation of permits. *Regulation 18* requires the operator of a permitted installation to give the enforcing authority notice of any proposed change in the operation of that installation. *Regulation 25* provides for the Department to make charging schemes setting fees and charges to be paid in respect of applications made under the Regulations and in respect of variations, transfers, surrenders, appeals and the subsistence of permits.

*Part 3 (regulations 26 to 30)* contains the enforcement powers under the Regulations. *Part 4 (regulation 31)* and *Schedule 15* provide for appeals to the Planning Appeals Commission. *Part 5 (regulations 32 to 35)* and *Schedule 16* set out information gathering powers and publicity

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requirements. *Part 6 (regulations 36 to 39)* sets out offences for contraventions of the Regulations and provides for enforcement by the High Court and the admissibility of evidence. *Part 7 (regulations 40 to 42)* enables the Department to give directions and guidance to enforcing authorities and to make plans relating to emissions.

*Schedules 8 to 13* bring existing legislation in respect of solvent emissions, large combustion plants, titanium dioxide, waste incineration, petrol vapour recovery and asbestos into these regulations.

### **Transitional provisions**

*Schedule 3* sets out the transitional provisions for bringing installations and mobile plant under the control of the Regulations.

An impact assessment has been prepared and copies can be obtained from Environmental Policy Division, Department of the Environment, Goodwood House, 44-58 May Street, Town Parks, Belfast BT1 4NN. A copy has been placed in the Assembly library.

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