

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2013 No. 160**

**The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013**

**PART 2**

**PERMITS**

**Conditions of permits: general principles**

**11.**—(1) When determining the conditions of a permit, the enforcing authority shall take account of the general principles set out in paragraph (2) and, in the case of a permit authorising the operation of a Part A installation or Part A mobile plant, the additional general principles set out in paragraph (3).

(2) The general principles referred to in paragraph (1) are that installations and mobile plant must be operated in such a way that—

- (a) all the appropriate preventative measures are taken against pollution, in particular through the application of BAT; and
- (b) no significant pollution is caused.

(3) The additional general principles referred to in paragraph (1) in relation to a permit authorising the operation of a Part A installation or a Part A mobile plant are that the installation or mobile plant must be operated in such a way that—

- (a) BAT conclusions shall be the reference for setting permit conditions;
- [<sup>F1</sup>(b) waste production is avoided in accordance with the Directive; and, where waste is produced, it is in order of priority and in accordance with the Directive, prepared for re-use, recycled, recovered, or where that is technically and economically impossible, it is disposed of while avoiding or reducing any adverse impact on the environment;]
- (c) energy is used efficiently;
- (d) the necessary measures are taken to prevent accidents and limit their consequences; and
- (e) upon the definitive cessation of activities, the necessary assessments and measures are taken to avoid any pollution risk and to return the site of the installation or mobile plant to a satisfactory state.

(4) The Department may establish rules under which the chief inspector may set stricter permit conditions than those achievable by the use of BAT as described in the BAT conclusions (in addition to the circumstances described in regulation 12(4)).

(5) Where the chief inspector sets permit conditions on the basis of a BAT, not described in any of the relevant BAT conclusions, the chief inspector shall ensure that—

- (a) that technique is determined by giving special consideration to the criteria listed in Schedule 2; and
- (b) the requirements of regulations 12(3) and 13(2) to (4) are complied with.

(6) Where the relevant BAT conclusions do not contain emission levels associated with the BAT, the chief inspector shall ensure that the technique referred to in paragraph (5) ensures a level of environmental protection equivalent to the BAT described in the BAT conclusions.

(7) Where an activity or a type of production process carried out within an installation is not covered by any BAT conclusions, or where those conclusions do not address all the potential environmental effects of the activity or process, the chief inspector shall, after prior consultations with the operator, set the permit conditions on the basis of the BAT that he has determined for the activities or processes concerned, by giving special consideration to the criteria listed in Schedule 2.

(8) The monitoring requirements referred to in regulation 13(6)(e) and (f) shall, where applicable, be based on the conclusions on monitoring as described in the BAT conclusions.

---

**Textual Amendments**

**F1** Reg. 11(3)(b) substituted (18.12.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/285\)](#), regs. 1(1), **11(3)**

---

**Commencement Information**

**I1** Reg. 11 in operation at 20.6.2013, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013, Section 11.