
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 160

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

PART 2

PERMITS

Variation of conditions of permits

19.—(1) The enforcing authority may at any time vary the conditions of a permit and shall do so if it appears to the enforcing authority at that time, whether as a result of a review under regulation 17, a notification under regulation 15 or regulation 18 or otherwise, that regulations 11, 12, 13 and 14 of these Regulations or regulation 8 of the 2003 Landfill Regulations require conditions to be included which are different from the subsisting conditions.

(2) An operator of an installation or mobile plant which is permitted under these Regulations may apply to the enforcing authority for the variation of the conditions of his permit.

(3) An application under paragraph (2) shall be made in accordance with Part 1 of Schedule 7 and shall be accompanied by any fee prescribed in respect of the application in accordance with regulation 25; and Schedule 7 shall have effect with respect to such applications.

(4) Where an application is duly made to the enforcing authority under paragraph (2), the enforcing authority shall determine, in accordance with regulations 11, 12, 13, 14 and 17 of these Regulations or regulation 8 of the 2003 Landfill Regulations, whether to vary the conditions of the permit.

(5) Where the enforcing authority decides to vary the conditions of the permit, whether on an application under paragraph (2) or otherwise, it shall serve a notice in writing on the operator (a “variation notice”) specifying the variations of the conditions of the permit and the date or dates on which the variations are to take effect and, unless the notice is withdrawn, the variations specified in the notice shall take effect on the date or dates so specified.

(6) A variation notice served under paragraph (5) shall, unless served for the purpose of determining an application under paragraph (2), require the operator to pay, within such period as may be specified in the notice, any fee prescribed in respect of the variation notice in accordance with regulation 25.

(7) Where the enforcing authority decides on an application under paragraph (2) not to vary the conditions of the permit, it shall give notice of its decision to the operator in writing.

(8) Parts 1, 2 and 3 of Schedule 7 shall have effect subject to Part 4 of that Schedule.

(9) This regulation and Schedule 7 apply to the variation of any provision other than a condition which is contained in a permit as they apply to the variation of a condition.