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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 160**

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

**PART 1**  
**GENERAL**

**Interpretation: general**

**2.—(1)** In these Regulations—

“the 2003 Landfill Regulations” means the Landfill Regulations (Northern Ireland) 2003<sup>(1)</sup>;  
“baseline report” means, in relation to any particular site, all relevant information on the state of soil and groundwater contamination by relevant hazardous substances and shall include in particular all relevant—

- (a) information on the existing use of the site;
- (b) information on past uses of the site; and
- (c) soil and groundwater measurements based on—
  - (i) previously existing information; and
  - (ii) new information,

if using that information provides an accurate description of the state of the site at the time of the report;

“change in operation” means, in relation to an installation or mobile plant, a change in the nature or functioning or an extension of the installation or mobile plant which may have consequences for the environment;

“chief inspector” means the inspector constituted to be the chief inspector under regulation 8(3);

“coating” means any preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application, which is used to provide a film with decorative, protective or other functional effect on a surface;

“combustion plant” means any technical apparatus in which fuels are oxidised in order to use the heat thus generated;

“the Department” means the Department of the Environment;

“directly associated activity” means—

- (a) in relation to an activity carried out in a stationary technical unit and falling within any description in sections 1.1 to 6.11 of Part 1 of Schedule 1, any directly associated activity which has a technical connection with the activity carried out in the stationary technical unit and which could have an effect on pollution; and

- (b) in relation to a SED activity, any directly associated activity which has a technical connection with the SED activity carried out on the same site and which could have an effect on any discharge of volatile organic compounds into the environment;

“draft determination” means the proposed decision made by the enforcing authority in relation to an application for, a permit or a permit variation, for a Part A installation or Part A mobile plant. The proposed decision must be advertised and interested parties may make representations which are then considered by the enforcing authority before it makes its final determination, in line with public participation principles.

“emission” means—

- (a) in relation to Part A installations, the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in the installation into the air, water or land;
- (b) in relation to Part B installations, the direct release of substances or heat from individual or diffuse sources in the installation into the air;
- (c) in relation to Part C installations, the direct release of substances or heat from individual or diffuse sources in the installation into the air;
- (d) in relation to Part A mobile plant, the direct or indirect release of substances, vibrations, heat or noise from the mobile plant into the air, water or land;
- (e) in relation to Part B mobile plant, the direct release of substances or heat from the mobile plant into the air;
- (f) in relation to Part C mobile plant, the direct release of substances or heat from the mobile plant into the air;

“emission limit value” means the mass, expressed in terms of specific parameters, concentration or level of an emission, which may not be exceeded during one or more periods of time;

“enforcement notice” has the meaning given by regulation 27(1);

“enforcing authority” means, in relation to the exercise of functions under these Regulations, the authority, being either the chief inspector or district council, by whom, under regulation 7, those functions are exercisable;

“environmental inspection” means all actions, including site visits, monitoring of emissions and checks of internal reports and follow-up documents, verification of self-monitoring, checking of the techniques used and adequacy of the environmental management of the installation or mobile plant, undertaken by or on behalf of the competent authority to check and promote compliance of operations with their permit conditions and, where necessary, to monitor their environmental impact;

“environmental quality standard” means the set of requirements which must be fulfilled at a given time by a given environment or particular part thereof, as set out in EU law;

“fuel” means any solid, liquid or gaseous combustible material;

“gas turbine” means any rotating machine which converts thermal energy into mechanical work, consisting mainly of a compressor, a thermal device in which fuel is oxidised in order to heat the working fluid, and a turbine;

“groundwater” means groundwater as defined in point 2 of Article 2 of Directive [2000/60/EC\(2\)](#) of the European Parliament and of the Council establishing a framework for community action in the field of water policy;

“hazardous substances” means substances or mixtures as defined in Article 3 of Regulation (EC) No 1272/2008<sup>(3)</sup> of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures;

“hazardous waste” means hazardous waste as defined in point 2 of Article 3 of Directive 2008/98/EC<sup>(4)</sup> of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives;

“IED” means Directive 2010/75/EU<sup>(5)</sup> of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast);

“inspector” means a person appointed under regulation 8(1) or (5);

“installation” means a stationary technical unit within which one or more activities listed in Part 1 of Schedule 1 are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in that Part and which could have an effect on emissions and pollution;

“landfill” means a landfill to which the 2003 Landfill Regulations apply;

“mixture” means a mixture or solution composed of two or more substances;

“mobile plant” means plant which is designed to move or to be moved whether on roads or otherwise and which is used to carry out one or more activities listed in sections 1.1 to 6.11 of Part 1 of Schedule 1;

“off-site condition” has the meaning given by regulation 13(7);

“organic compound” means any compound containing at least the element carbon and one or more of hydrogen, halogens, oxygen, sulphur, phosphorus, silicon or nitrogen, with the exception of carbon oxides, inorganic carbonates and bicarbonates;

“organic solvent” means any volatile organic compound which is used for any of the following—

- (a) alone or in combination with other agents, and without undergoing a chemical change, to dissolve raw materials, products or waste materials;
- (b) as a cleaning agent to dissolve contaminants;
- (c) as a dissolver;
- (d) as a dispersion medium;
- (e) as a viscosity adjuster;
- (f) as a surface tension adjuster;
- (g) as a plasticiser; or
- (h) as a preservative;

“operator”, subject to paragraph (2), means any natural or legal person who operates or controls in whole or in part the installation or mobile plant;

“Part A installation”, “Part B installation” and “Part C installation” shall be interpreted in accordance with Part 3 of Schedule 1;

“Part A mobile plant”, “Part B mobile plant” and “Part C mobile plant” shall be interpreted in accordance with Part 3 of Schedule 1;

“permit” means a written authorisation granted under regulation 10 to operate all or part of an installation or mobile plant;

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(3) O.J.L353,31.12.2008, p.1

(4) O.J. L312, 22.11.2008, p.3

(5) O.J.L334, 17.12.2010, p.17

“Planning Appeals Commission” means the Planning Appeals Commission established under Article 110 of the Planning (Northern Ireland) Order 1991<sup>(6)</sup>;

“pollution” means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat or noise into air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property or impair or interfere with amenities and other legitimate uses of the environment;

“poultry” means poultry as defined in point 1 of Article 2 of Council Directive 90/539/EEC<sup>(7)</sup> of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs;

“the public” means one or more natural or legal persons and, in accordance with national law or practice, their associations, organisations or groups;

“the public concerned” means the public affected or likely to be affected by, or having an interest in, the taking of a decision on the granting or the updating of a permit or of permit conditions; for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest;

“reduction scheme” means a reduction scheme which complies with Part 5 of Annex VII of the IED;

“revocation notice” has the meaning given by regulation 24(1);

“SED activity” means any activity falling within section 7 of Part 1 of Schedule 1 and any other activity listed in Schedule 1 to which Chapter V of the IED applies;

“SED installation” means—

- (a) a stationary technical unit where one or more SED activities are carried out; and
- (b) any other location on the same site where any other directly associated activities are carried out;

“site report” means a report describing the condition of the site of the installation or mobile plant containing the information specified in Schedule 4.

“small SED installation” means a SED installation which falls within the lower threshold band of items 1, 3, 4, 5, 8, 10, 13, 16 or 17 of Part 2 of Annex VII of the IED or, for the other activities of Part 2 of Annex VII, which have a solvent consumption of less than 10 tonnes/year;

“soil” means the top layer of the Earth’s crust, composed of mineral particles, organic matter, water, air and living organisms, situated between the bedrock and the surface;

“specified waste management activity” means any one of the following activities—

- (a) the disposal of waste in a landfill, whether or not the disposal falls within section 5.2 of Part 1 of Schedule 1;
- (b) the disposal or recovery of hazardous waste falling within section 5.3 of that Part of that Schedule;
- (c) the disposal or recovery of non-hazardous waste falling within section 5.4 of that Part of that Schedule;
- (d) the temporary storage of waste falling within section 5.5 of that Part of that Schedule;
- (e) the underground storage of waste falling within section 5.5 of that Part of that Schedule;

“stack” means a structure containing one or more flues providing a passage for waste gases in order to discharge them into the air;

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(6) S.I.1991 No.1220 (N.I.11)

(7) O.J.L303, 31.10.1990, p.6

“substance” means any chemical element and its compounds, with the exception of the following substances—

- (a) radioactive substances as defined in Article 1 of Council Directive 96/29/Euratom<sup>(8)</sup> of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation;
- (b) genetically modified micro-organisms as defined in Article 2(b) of Directive 2009/41/EC<sup>(9)</sup> of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms;
- (c) genetically modified organisms as defined in Article 2(2) of Directive 2001/18/EC<sup>(10)</sup> of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms;

“substantial change” means a change in the nature or functioning, or an extension, of an installation or mobile plant which, in the opinion of the enforcing authority, may have negative effects on human health or the environment and shall include—

- (a) in relation to a small SED installation which does not fall wholly within the scope of Annex I of the IED, a change of the nominal capacity leading to an increase of emissions of volatile organic compounds of more than 25 per cent;
- (b) in relation to all other SED installations which do not fall within the scope of Annex I of the IED, a change of the nominal capacity leading to an increase of emissions of volatile organic compounds of more than 10 per cent;
- (c) any change in operation of an installation or mobile plant which in itself meets any of the thresholds specified for a Part A activity under Part 1 of Schedule 1.

“suspension notice” has the meaning given by regulation 28(1);

“variation notice” has the meaning given by regulation 19(5);

“volatile organic compound” or “VOC” means any organic compound as well as the fraction of creosote, having at 293.15 K a vapour pressure of 0.01 kPa or more, or having a corresponding volatility under the particular conditions of use;

“waste” means waste as defined in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste;

“waste incineration plant” means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

“waste co-incineration plant” means any stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

“waste incineration installation” means an installation or mobile plant (or part thereof) to which Chapter IV of the IED applies.

- (2) For the purposes of these Regulations—

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<sup>(8)</sup> O.J.L159, 29.6.1996, p.1

<sup>(9)</sup> O.J.L125, 21.5.2009, p.75

<sup>(10)</sup> O.J.L106, 17.4.2001, p.1

- (a) where an installation or mobile plant has not been put into operation, the person who will have control over the operation of the installation or mobile plant when it is put into operation shall be treated as the operator of the installation or mobile plant;
  - (b) where an installation or mobile plant has ceased to be in operation, the person who holds the permit which applies to the installation or mobile plant shall be treated as the operator of the installation or mobile plant.
- (3) In these Regulations—
- (a) a reference to a release into water includes a release into a sewer (within the meaning of Article 2(2) of the Water and Sewerage Services (Northern Ireland) Order 2006(11));
  - (b) a reference to a Council Directive is a reference to that Directive together with any amendment made before the date on which these Regulations are made.
- (4) Schedule 1 shall have effect and Part 1 of Schedule 1 shall be interpreted in accordance with the provisions as to interpretation in Parts 1 and 2 of that Schedule.