

The Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 (as amended)

Local Authority Pollution Prevention Control

Permitting of Prescribed Activities

GENERAL INFORMATION FOR INSTALLATION OPERATORS

Background

- 1) The Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 (as amended) came into operation on 20th June 2013. The Regulations provide for a system of air (and water for SED* activities) pollution control by Councils.

Permitting of Prescribed Activities

- 2) The main framework for this system of air pollution control centres on the requirement of Regulation 9 of the Regulations, that no persons shall operate an installation or mobile plant, except under a permit granted by the Council.
- 3) The permit is in effect a “licence” allowing the holder to operate a prescribed activity subject to conditions specified in the permit.
- 4) The purpose of this system is to limit, control or prevent the emission of certain prescribed pollutants and other pollutants from those activities through a system of permitting.
- 5) Both the activities and pollutants subject to the system of control are prescribed by the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 (as amended).
- 6) The prescribed activities are listed in Schedule 1 of the Regulations and in relation to Councils enforcement comprise the following 14 categories of activity:
 - 1) Combustion activities
 - 2) Petrol storage and unloading
 - 3) Ferrous metals
 - 4) Non-ferrous metals

- 5) Cement and lime manufacture and associated processes
 - 6) Other mineral activities
 - 7) Ceramic production
 - 8) Incineration and co-incineration of waste
 - 9) Coating activities, printing and textile treatment
 - 10) The manufacture of dye stuffs, printing ink and coating materials
 - 11) Timber activities
 - 12) Activities involving rubber
 - 13) The treatment of animal and vegetable matter and food industries
 - 14) Solvent Emissions Directive activities
- 7) New activities need permitting from the commencement date of the regulations i.e. 20th June 2013.
- 8) Prescribed pollutants are listed in Schedule 5 of the Regulations, a copy of which can be found at Appendix 1 of this document.

Applications for Permitting

- 9) Applications for a permit should be submitted to the Council. Applications forms are available on the Council website and at the Council Offices. Completed application forms should be returned directly to the Environmental Health Service, Derry City and Strabane District Council, 47 Derry Road, Strabane, Co Tyrone, BT82 8DY, Tel 028 71381311 or by email to environmentandneighbourhoods@derrystrabane.com
- 10) Because of the complexity of detail potentially required to construct an application, it may be necessary for the Council to discuss informally the broad content of a proposed application before it is formally made, to save time later during processing. This will particularly be relevant for those applications from small operators who may be unfamiliar with the technical aspects of their activities and the requirements of the legislation.
- 11) Once the application is received by the Council it must be checked to see that it is complete. **If the application is incomplete the Council may reject it.**
- 12) A copy of the application will also be placed on a public register held by the Council. The register will include, for example, all particulars of applications for permit, notices requiring further information, and relevant information supplied thereafter, and a copy of the final permit etc.
- 13) Operators may claim that certain information in their application should be treated by the Council as commercially confidential. Regulation 35 of the

Regulations state that information is commercially confidential “if its being contained in the register would prejudice to an unreasonable degree the commercial interests of that individual or person”. The onus is on the applicant to provide a clear justification for each item wished to be kept from the register.

- 14) The Council must then consider the application, and either issue a permit with conditions, or refuse it within the prescribed period allowed (normally 6 months). In considering the application the Council can ask for further information, and **refuse the application if this information is not provided** if it is considered that the information is necessary to reach a decision. A Council cannot grant a permit if it considers the applicant cannot carry on the activity so as to comply with any conditions which would be included in that permit.

Issue of Permit

- 15) Permits will be granted to the person or company who has applied to operate the prescribed activity. Permits will have attached to them conditions under which terms the holder of a permit must operate the prescribed activity in question.
- 16) The conditions to be applied by the Council will be decided having regard to any specific advice contained in published Process Guidance Notes (PGNs) published by the Department of the Environment (NI) and available from your Council. Process Guidance Notes are also available online at: <https://www.gov.uk/government/collections/local-air-pollution-prevention-and-control-lappc-process-guidance-notes>. These notes provide technical advice on the application of specified air pollution objectives to the different categories of prescribed activity. Conditions can for example cover such matters as emission limits and controls, monitoring, sampling and measurement of emissions and operational controls etc. There will be a general condition attached to every permit requiring the best available techniques (BAT) to be used by the person carrying on the activity to prevent, minimise or render harmless any prescribed substances being released into the air (and water for SED* activities). The process specific guidance notes shall be regarded by Councils as the primary reference document for determining BAT.

Council Charging Scheme

- 17) The Department has drawn up a charging scheme under Regulation 25 of the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013. Under the scheme, Councils are required to levy fees and charges for various functions. The scheme is reviewed annually and

information on the current charging system is available from Environmental Health or at the website address given above.

- 18) In addition to the initial application fee, there will be an ongoing annual charge for the subsistence of the permit. The first subsistence charge is payable immediately following the issue of the permit. If there are any substantial changes to the activity once it has been permitted, then a further fee is payable for administration of any variation to the permit conditions needed.

Substantial change means a change in operation which, in the opinion of the enforcing authority, may have significant negative effects on human beings or the environment.

Should an installation have been operating without a Permit an additional fee is required to be paid in addition to the initial application fee.

General

- 19) If you require any further specific advice or information concerning the permitting of prescribed activities by your Council under the provisions of the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 (as amended), you should contact the Environmental Health (see paragraph 9).
- 20) The Department of Environment has published a General Guidance Manual on Policy and Procedures for Part C Installations which gives general advice on the permitting procedure and enforcement envisaged under the 2013 Regulations. You are strongly advised to consider the guidance in the manual when making an application for a permit. <https://www.daera-ni.gov.uk/articles/ippc-guidance-and-application-forms>
- 21) Please find enclosed the Process Guidance Note relevant to your activity. You are strongly advised to make reference to it when preparing your application.

Appendix

1. Prescribed Substances

* Solvent Emission Directive 1999/13/EC

APPENDIX 1

EXTRACT FROM THE POLLUTION PREVENTION AND CONTROL (INDUSTRIAL EMISSIONS) REGULATIONS (NI) 2013 (AS AMENDED)

SCHEDULE 5

RELEASE INTO THE AIR

Sulphur dioxide and other sulphur compounds
Oxides of nitrogen and other nitrogen compounds
Carbon monoxide
Volatile organic compounds
Metals and their compounds
Dust including fine particulate matter
Asbestos (suspended particulates, fibres)
Chlorine and its compounds
Fluorine and its compounds
Arsenic and its compounds
Cyanides
Substances and mixtures which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air
Polychlorinated dibenzodioxins and polychlorinated dibenzofurans

RELEASE INTO WATER

Organohalogen compounds and substances which may form such compounds in the aquatic environment
Organophosphorus compounds
Organotin compounds
Substances and mixtures which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment
Persistent hydrocarbons and persistent bioaccumulable organic toxic substances
Cyanides
Metals and their compounds
Arsenic and its compounds
Biocides and plant protection products
Materials in suspension
Substances which contribute to eutrophication (in particular nitrates and phosphates)
Substances which have an unfavourable influence on the oxygen balance (and can be measured using parameters such as BOD, COD etc.)
Substances listed in Annex X to Directive 2000/60/EC [OJ. L327,22.12.2000, pl.]