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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 402**

**ENVIRONMENTAL PROTECTION**

**The Pollution Prevention and Control (Amendment  
No.2) Regulations (Northern Ireland) 2011**

*Made - - - - 25th November 2011*

*Coming into operation 31st December 2011*

The Department of the Environment makes the following Regulations, in exercise of the powers conferred by Article 4 of the Environment (Northern Ireland) Order 2002 (1).

In accordance with Article 4(4) of that Order, the Department has consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies or persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such other bodies and persons as it considers appropriate.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Pollution Prevention and Control (Amendment No.2) Regulations (Northern Ireland) 2011 and shall come into operation on 31st December 2011.

(2) In these Regulations “the Principal Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003(2).

**Amendment to the Principal Regulations**

2.—(1) The Principal Regulations shall be amended as follows.

(2) In regulation 10—

(a) in paragraph (8) after “18” insert “or 18A”

(b) in paragraph (8) after “regulation” in the second line insert “18A,”

3. After Regulation 18 insert—

**“Death of a permit holder**

**18A.—**(1) This regulation applies if—

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(1) S.I. 2002 No. 3153 (N.I.7)

(2) S.R. 2003 No. 46 as amended by S.I. 2003 No. 3311, S.R. 2003 No. 390, S.R. 2003 No. 496, S.R. 2004 No. 36, S.R. 2004 No. 507, S.R. 2005 No. 229, S.R. 2005 No. 300, S.R. 2005 No. 454, S.R. 2006 No. 98, S.R. 2006 No. 280, S.R. 2007 No. 245, S.I. 2007 No. 2325, S.R.2009 No. 159, S.R. 2009 No. 403, S.R. 2011 No. 2, S.R. 2011 No. 127, and S.R. 2011 No. 212.

- (a) a permit is held by an individual (A); and
- (b) A dies.
- (2) On the death of A, the permit—
  - (a) shall be property forming part of A's personal estate, and
  - (b) shall continue to have effect subject to—
    - (i) the same conditions that applied at the time of A's death, and
    - (ii) the condition mentioned in paragraph (3).
- (3) The permit shall be read as if it contained the following condition—

“As soon as is practicable after administration of the estate of A, the personal representative shall notify the regulator that the permit has vested in them.”
- (4) The permit shall cease to have effect 6 months after the date on which A dies, unless it is transferred before the end of that period.”.

#### **Amendment of Schedule 1**

- 4.—(1) Schedule 1 shall be amended in accordance with Regulations 5 to 8.
- 5.—(1) In Section 1.1 (*COMBUSTION ACTIVITIES*) of Chapter 1 of Part 1—
  - (a) in Part A, omit paragraph (b);
  - (b) in the paragraph entitled “*Interpretation of Part A*” omit paragraph 2;
  - (c) in Part C omit paragraphs (b) and (c);
  - (d) in the paragraph entitled “*Interpretation of Part C*” omit paragraphs 2 and 3;
  - (e) omit the paragraph entitled “*Interpretation of Section 1.1*”
- 6.—(1) In Section 1.2 (*GASIFICATION, LIQUIFICATION AND REFINING ACTIVITIES*) of Chapter 1 of Part 1—
  - (a) in Part B omit paragraph (a);
  - (b) in Part C for paragraphs (c) and (d) substitute —
    - “(c) Motor vehicle refuelling activities at an existing service station after the prescribed date.
    - (d) Motor vehicle refuelling activities at a new service station, if the petrol refuelling throughput at that service station in any 12 month period is, or is intended to be greater than 500 m<sup>3</sup>.”
  - (c) after paragraph (d) insert
    - “(e) Motor vehicle refuelling activities at a new service station if the petrol refuelling throughput at that service station in any 12 month period is, or is likely to be greater than 100 m<sup>3</sup> and it is situated under permanent living quarters or working areas.
    - (f) Any existing service station which undergoes a major refurbishment must be treated as a new service station.”
  - (d) In the Interpretation of Part C —
    - (i) for the definition of “new service station” substitute—

““new service station” means, in relation to service stations mentioned in paragraph (c), those which are put into operation on or after 1st January 2010, and

in relation to service stations mentioned in paragraph (e) , those which are put into operation on or after 1st January 2012;”

(e) insert the following definition in the appropriate alphabetical place

““prescribed date” means 1st January 2012 if the throughput is greater than 3500m<sup>3</sup> and 31st December 2018 if the throughput is greater than 3000m<sup>3</sup>”;

(f) in the definition of “service station” at the end insert “but shall not include any service station exclusively used in association with the construction and delivery of new motor vehicles”.

7.—(1) In Section 5.1 (*INCINERATION AND CO-INCINERATION OF WASTE* ) of Chapter 5 in Part A after paragraph (i) insert—

“(j) Unless carried out as part of any other activity in this part, the incineration of a fuel manufactured from a waste in an appliance with a rated thermal input over 3MW”

(2) In the paragraph entitled “*Interpretation of Section 5.1*”

(a) In the definition of “excluded plant” for paragraph (vii) substitute

“(vii) animal carcasses as regulated by Regulation (EC) No 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption”

(b) after the definition of “excluded plant” insert

““fuel” does not include fuel manufactured from waste which ceased to be a waste before being burned as a fuel.”

8. In Part 3 omit paragraph 17.

#### **Amendment of Schedule 4.**

9.—(1) Schedule 4 shall be amended as follows—

(a) In Part 1—

(i) Omit paragraph 3

(ii) Omit paragraph 8 sub-paragraph (a)

(b) In Part 2 omit paragraph 10 sub-paragraph (a).

#### **Amendment of Schedule 7.**

10. In Schedule 7 Part 2, omit paragraph 4 sub-paragraph (4) head (a).

Sealed with the Official Seal of the Department of the Environment on 25th November 2011.

*Wesley Shannon*  
A senior officer of the Department of the  
Environment

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**Status:** *This is the original version (as it was originally made). Northern Ireland Statutory Rules are not carried in their revised form on this site.*

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## **EXPLANATORY NOTE**

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

These Regulations amend the Pollution Prevention and Control Regulations (Northern Ireland) 2003. Regulation 3 allows a permit to temporarily remain in force in the event of a permit holder's death. Regulation 5 amends Section 1.1 *COMBUSTION ACTIVITIES* to remove the burning of waste from that section.

Regulation 6 transposes Directive [2009/126/EC](#) on Stage II Petrol Vapour Recovery during refuelling of motor vehicles at service stations.