

# **INTEGRATED POLLUTION PREVENTION AND CONTROL (IPPC)**

## **GUIDE FOR APPLICANTS**



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## ***Purpose of this guide***

This Guide is intended to help if you are regulated under Part A of the **Integrated Pollution Prevention and Control (IPPC)** regime. It provides a brief introduction to IPPC and explains where you can find more detailed information. It then gives advice on how to prepare each of the four main types of applications that may be required. These are applications for:

- **new permits** – to allow new or existing installations to operate when they first come under IPPC;
- **variations** to permits – for example to change the conditions in IPPC permits that have already been granted;
- **transfer** of permits – to a new operator;
- **surrender** of permits – when installations close.

The enforcing authority for Part A IPPC installations is the Chief Inspector of the Industrial Pollution and Radiochemical Inspectorate (IPRI). Under Regulation 8, any function of the Chief Inspector may be delegated to any other inspector appointed by the Department of the Environment and references in this guide to inspector should be treated accordingly.

## ***What is Integrated Pollution Prevention and Control?***

IPPC is a regulatory system that employs an integrated approach to control the environmental impacts of certain industrial activities. It applies to industry sectors for energy, metals, minerals, chemicals, waste management and a group of other activities such as textile treatment, food production and intensive farming of pigs and poultry.

It involves determining the appropriate controls for industry to protect the environment through a single permitting process. To gain a permit, Operators will have to show that they have systematically developed proposals to apply the "Best

Available Techniques" (BAT) and meet certain other requirements, taking account of relevant local factors. The essence of BAT is that the selection of techniques to protect the environment should achieve an appropriate balance between realising environmental benefits and costs incurred by Operators.

We intend to implement IPPC to:

- protect the environment as a whole;
- promote the use of "clean technology" to minimise waste at source; and
- encourage innovation, by leaving significant responsibility for developing satisfactory solutions to environmental issues with Industrial Operators.

Once a permit has been issued, other parts of IPPC come into play. These include compliance monitoring, periodic permit reviews, variations of permit conditions and transfers of permits between Operators. IPPC also requires the restoration of sites when the permitted activities cease to operate.

IPPC operates under the Pollution Prevention and Control (Northern Ireland) Regulations 2003, Statutory Rule (SR [2003/46](#)) (the PPC Regulations). These Regulations have been made under the Environment (Northern Ireland) Order 2002, Statutory Instrument 2002/3153 (N.I.7) and implement the EC Directive 96/61 on IPPC. Further information on the overall system of IPPC, together with Government policy and more detailed advice on the interpretation of the Regulations, can be found in the Department of the Environments document *IPPC: A Practical Guide*. Annex A to this Guide explains where copies of the Regulations, *IPPC: A Practical Guide* and other documents can be obtained from.

## ***Does IPPC apply to you?***

IPPC applies to you if you are the "Operator" of the whole or part of an IPPC installation. An **installation** is defined as:

1. a stationary technical unit where one or more activities listed in Part 1 of Schedule 1 to the PPC Regulations are carried out; and
2. any other location on the same site where any other directly associated activities are carried out which have a technical connection with the activities carried out in the stationary technical unit and which could have an effect on pollution.

*IPPC: A Practical Guide* provides more information on what is meant by this definition and gives worked examples. It also explains the difference between Part A, B and C IPPC installations.

Some important points relating to the definition of "installation" are as follows:

- a) The definition centres around activity headings that are specifically listed in the Regulations. Some industrial activities may fall under more than one heading. In this case an activity should be allocated to the "most apt" heading. For example, manufacturing tri-nitrotoluene (TNT) could be classified as "producing organic chemicals". However, the most apt interpretation would place it under the heading of "producing explosives".
- b) A single installation may contain one or more of the activities listed under specific headings. An installation may also include certain directly associated activities that may not be identified explicitly in the Regulations. Each one of the activities that make up the installation needs to be covered by a permit to operate. This may be achieved through a single permit for the entire installation, or several permits covering different parts of the installation.
- c) Some activities in an installation may be under the control of different Operators. Each Operator in a single installation will need to obtain a permit. However we will not normally be able to determine permit applications from individual Operators for separate parts of an installation until all of the applications for the entire installation have been received. The applications should make it clear, collectively, that the whole installation will be run satisfactorily.

- d) Some installations may be used for different activities at different times. For example, a multipurpose speciality organic chemical plant may produce a variety of chemicals. If all of the chemicals are produced by the same operator, then only one permit is required as long as it authorises all of the activities involved.

In view of (b) and (c) above, the term "installation" used in this Guide, on the Application Form and elsewhere **may refer to either the whole or part of an installation**, depending on the situation. The PPC Regulations also apply to the regulation of "mobile plant". Where this Guide refers to an installation, therefore, this automatically applies to mobile plant as well.

An **Operator** is defined as the person who has control over the operation of the installation (or who will have such control if the installation is not yet operating). The Operator may be a "legal person" (such as a company) or a "natural person" (an individual). The Operator must be an appropriate person to fulfil the obligations that arise under the permit.

Where there are two or more Operators in an installation, the permit for each Operator should cover only those parts of the installation under that Operator's control. Collectively, the permits for all of the Operators should then cover the whole of the installation.

In addition, some Operators may employ sub-contractors for certain activities. Such sub-contractors will not need a separate permit, however, since control and responsibility will still rest with the Operator. The Operators must ensure that sub-contractors operate in accordance with the permit.

## Introduction (continued)

### How to use this guide

The Guide should be used as part of an overall "regulatory package" which comprises several elements. The main elements fit together as shown in Figure 1.

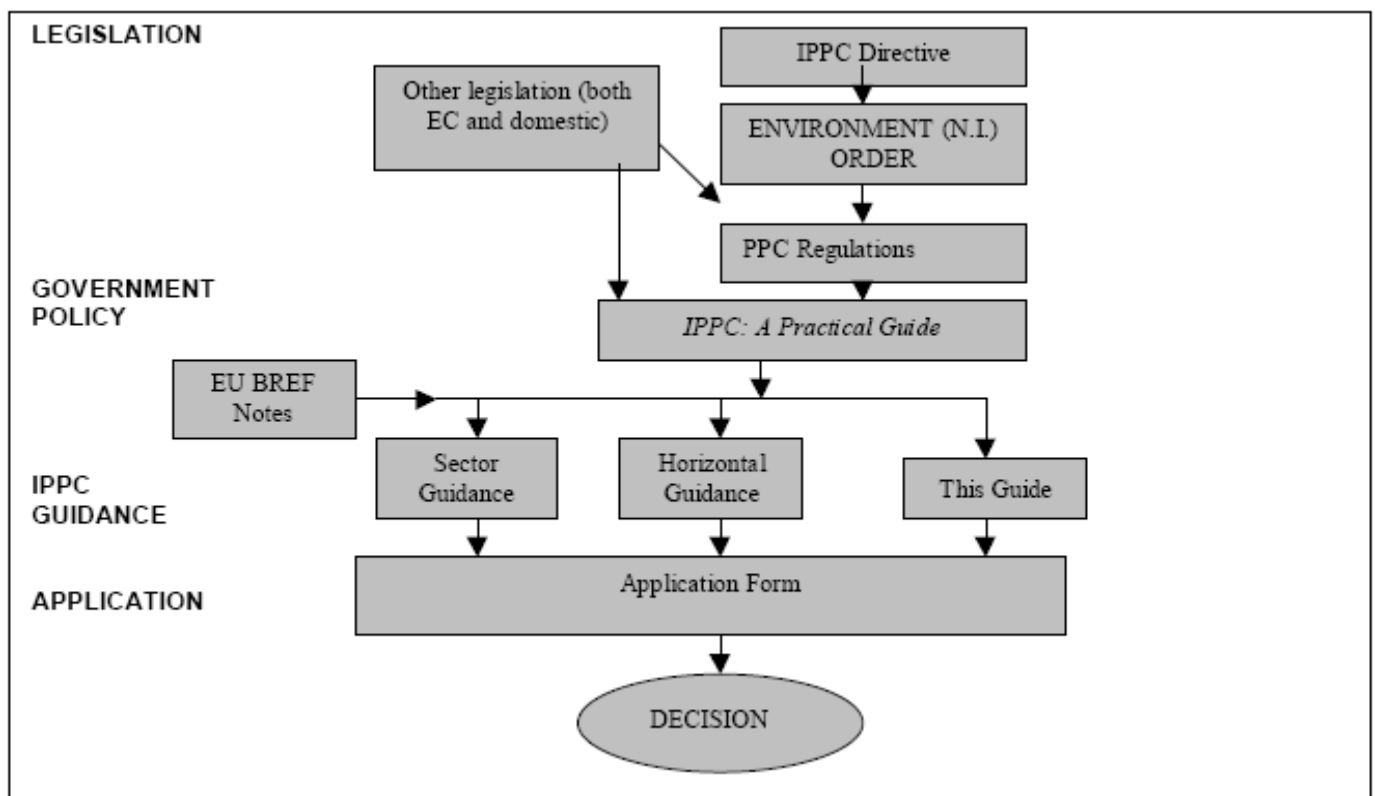
Within this package:

- the IPPC Directive, Environment (NI) Order and PPC Regulations set the main legal framework;
- other legislation – for example laws setting Environmental Quality Standards (EQSs) or sector-specific controls – may bear upon the application of IPPC in individual cases;
- *IPPC: A Practical Guide* sets out the Department's policies on how IPPC should be applied and how particular terms should be interpreted.
- the IPPC Application Form provides a structured basis for the various kinds of applications; and

- IPPC Guidance explains what will normally be expected of Operators, through "Sector Specific Technical Guidance", or through cross-sectoral "Horizontal Guidance" on general topics such as noise or energy. Such guidance will take account of the European Union BAT Reference (BREF) notes that are being published by the Commission.

This Guide describes the main provisions of IPPC that relate to the making of applications to be determined by the Chief Inspector. It explains what is involved in obtaining a permit, and what happens after a permit has been issued in relation to variations, transfers and surrender. It provides advice, in particular, on how to use the Application Form and the related Technical Guidance.

**Figure 1 – Framework of the IPPC Regulatory Package**



## Getting a New IPPC Permit

### ***When do you need to apply for a new***

When you should apply for a new permit will depend on whether your installation is "new" or "existing". These terms are defined in the PPC Regulations and explained in *IPPC: A Practical Guide*.

### ***When do you need to apply for a new installation?***

A **new installation** cannot be brought into operation until an IPPC permit has been granted<sup>1</sup>.

*IPPC: A Practical Guide* also discusses issues associated with the timing of applications in practice. It suggests that an Operator should normally submit an IPPC application when full designs have been drawn up but before any construction commences. This will minimise the possibility of investment that does not meet the standards required. If you have already introduced the techniques that you propose in your application, but we judge them inadequate, the expenditure that you have already made will not be relevant to the determination of BAT. This is a matter of your commercial risk.

It may be possible to time your IPPC application alongside other submissions required under other regimes (e.g. the Control of Major Accident Hazards Regulations (Northern Ireland) (SR 2000/93) if you are a "top tier" COMAH site). If planning permission is also required, the IPPC and planning applications should be submitted in parallel whenever possible. However, if you are applying to operate any "specified waste management activities" (defined in the PPC Regulations and

<sup>1</sup> Except under the transitional arrangement in Schedule 3 to the Regulations, whereby a new installation may operate without an IPPC permit as long as it has any other required authorisation(s) and an IPPC application is duly made before 1 January 2004. Such operations will normally be regulated through a different regime, e.g. the Industrial Pollution Control (Northern Ireland) Order 1997, until the IPPC application is determined.

explained in *IPPC: A Practical Guide*), we cannot issue an IPPC permit unless any required planning permission is in place.

### ***When do you need to apply for an existing installation?***

**Existing installations** will come under IPPC in one of three ways. These are described in *IPPC: A Practical Guide*. They are:

- permitting according to a transitional schedule;
- permitting ahead of the transitional schedule by agreement; or
- permitting ahead of the transitional schedule in the case of a "substantial change".

The transitional schedule is set out in the PPC Regulations. It specifies windows of time called "relevant periods" for different industry sectors. During these periods, applications must be submitted for any installations not previously brought under IPPC. If an installation contains activities from more than one sector, then the application or applications relating to that installation must all be submitted in the same relevant period. Unless agreed otherwise, this will be the earliest of all of the relevant periods for the various activities concerned (based on the "most apt" description for each activity as explained earlier under "Does IPPC apply to you?"). As an alternative to applying in the earliest relevant period, however, the Operator(s) may ask for the relevant period corresponding to the "primary activity" in the installation to dictate the application date. Schedule 3 to the PPC Regulations describes how Operators should make such a request.

You may wish to apply for a permit ahead of the transitional schedule. To do this, you must first gain our agreement. The system would become overloaded if everyone were to apply for permits early. Therefore, *IPPC: A Practical Guide* indicates that any Operator

## Getting a New IPPC Permit (Continued)

wishing to come into IPPC early should demonstrate how they would be disadvantaged if this were not permitted.

If you wish to make a "substantial change" to an existing installation ahead of the relevant period, you will have to apply for a permit. In essence, a "substantial change" is any change in operation that may have a significant negative effect on human beings or the environment. Responsibility for assessing the effects of any potential change lies with the Operator. However, determining whether or not any not any negative effects are significant will be a matter for our judgement based on the facts of the case.

*IPPC: A Practical Guide* sets out broad principles of interpretation for substantial changes. The Chief Inspector has developed more detailed internal guidance on this issue which is available on request.

If you made a substantial change on or after 31 October 1999, but before the PPC Regulations entered into force on 1 April 2003, you should apply for a permit before 1 January 2004 in order to be able to continue operating legally while the application is being determined. The same is true for any substantial change made after the Regulations entered into force, but before 1 January 2004. If a substantial change is made on or after 1 January 2004, an IPPC permit (rather than just submission of an application) is required beforehand.

## After a Permit has been issued

### *What happens after a permit has been issued?*

Getting a permit is only the first step of the overall regulatory process. Once a permit has been issued, many other aspects of the regulatory regime come into play. The main parts are outlined below.

### *Compliance*

If we grant a permit we will include suitable conditions, for example in the shape of emission limit values (ELVs). We may also require you to operate in specific ways, for instance by referring to the proposals that you made in your permit application or any subsequent submissions.

For those aspects of your installation not regulated by specific permit conditions, the PPC Regulations impose an implied permit condition requiring you to use BAT to prevent and reduce emissions (often referred to as "implied BAT").

You must comply with the conditions of your permit. You may have to submit monitoring data of appropriate quality to demonstrate this. We may also carry out inspections. We may take various actions to enforce compliance, including serving enforcement notices, suspending operation, bringing prosecutions and, in rare cases, revoking the permit.

If you receive a permit, you will remain responsible for the obligations arising under it (including the payment of fees) until we:

- accept the transfer of the permit to another Operator;
- accept the surrender of the permit; or
- revoke the permit.

### *Permit reviews*

From time to time we will review the conditions of your permit. This may lead to a variation of the permit conditions (see below). Guidance notes will set out the normal review periods that are appropriate for installations in each sector. However, we can review your permit at different times, and must carry out a review in certain circumstances specified by the PPC Regulations.

### *Changes and variations*

Once you have gained a permit, you may wish to change the way you operate your installation. As long as this does not conflict with any requirements of your permit (including any requirement to operate in accordance with the proposals that you made to gain a permit), you may submit a simple notification informing us of the proposed change. This notification process is set out in the PPC Regulations and described in *IPPC: A Practical Guide*.

If you wish to make a change that would require a variation to any part of your permit, you must make an application. We may also initiate a variation, for example following a permit review and may additionally consolidate a permit if, for instance, the permit has been amended several times.

### *Permit transfers*

It is an offence to operate an installation without being the holder of a permit. If you wish to transfer your permit, in whole or in part, to another Operator, you and the proposed transferee must make a joint application. Any transfers therefore must be approved **before** they take place.

## After a Permit has been issued (Continued)

### ***Closure and site restoration***

If you intend or intend to cease operating the whole or part of your installation, you may apply to surrender the corresponding part of your permit. As part of your application to surrender, you will need to submit a site report describing the state of the land on closure. This, together with the site report that you submitted with your permit application, and operational records, will indicate any steps that need to be taken to avoid any pollution risk and return the site to a satisfactory state.

### ***Public information***

We are required to place various items related to installations on the public register. These include the permit, monitoring data, details of enforcement actions, and all particulars of any variation, transfer or surrender, as well as the original applications. There are exceptions for commercial confidentiality and national security.

## Making an Application

### *How do you make an application?*

You can make any application by completing the standard Application Form. You can obtain the form by telephoning 028 90 569299 or from the NIEA website at [www.ni-environment.gov.uk](http://www.ni-environment.gov.uk)

The form has been designed to reflect the requirements for applications in the PPC Regulations. Please complete it in black ink, then submit it and all other relevant information to us. You may also need to submit a fee under the PPC charging scheme. There are questions on the form that will help you to calculate the appropriate fee.

The level of detail in an application should reflect the scale of your operation and its environmental effects. You do not need to supply information that could not reasonably be expected to contribute to a decision on an application. This applies to all applications, but is particularly relevant to those for "low impact installations", as discussed later in this Guide.

If you operate more than one installation on the same site, you may be able to make a single application that covers all of the installations. If you do this, you should produce a single submission comprising separate completed application forms for each installation, with appropriate cross-referencing on common elements (for example site management, site condition, etc).

### *What should you do before you apply?*

Before you make any application – whether for a new permit, variation, transfer or surrender – you should:

- check that you are required to make an application and understand the requirements of the legislation; and

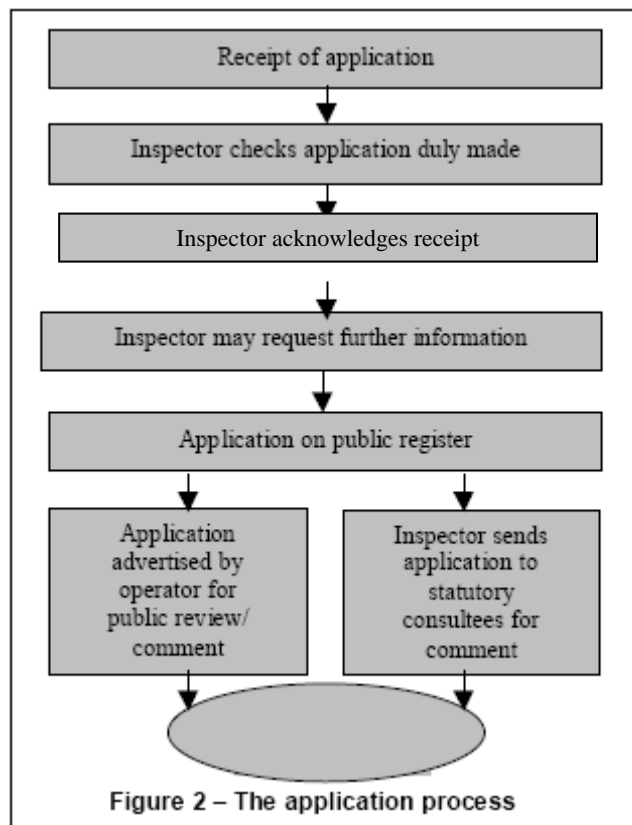


Figure 2 – The application process

- have read through the appropriate parts of the Application Form and the relevant associated Technical Guidance documents.

Before you prepare an application you may wish to discuss it with your Inspector. That way we may help you to clarify important issues like whether or not you actually need to make an application and how to present the information required. We can only put limited time into such discussions in order to be able to divide its attention fairly between different Operators.

### *What will we do with your application?*

The application process is shown in Figure 2. Details of the various elements are described below

### ◆ *Checking whether the application is duly made*

Your Inspector will check that an application is duly made in accordance with the PPC Regulations. This depends on whether the application as initially submitted is complete in a legal sense, such that we are able to process it. For us to consider an application duly made, the main requirements are that it should:

- be prepared making proper use of the standard Application Form;
- relate to a Part A installation under IPPC;
- be submitted with our prior consent where required (i.e. for a permit application for an existing installation submitted ahead of the normal transitional schedule without proposing a substantial change);
- be accompanied by the necessary fee; and
- address all of the necessary points.

If we think an application is not duly made, we may return it to you and will provide an explanation. This Guide, the Application Form and the Technical Guidance have all been produced with the aim of avoiding this by helping Operators to produce good applications in the first place.

The requirement for an application to be duly made gives rise to a number of consequences.

- If you apply for a **permit for an existing installation** your application must be duly made no later than the end of the relevant period (see "Getting a New IPPC Permit" above) if you wish to continue operating while we process the application. If an application is not duly made until after the relevant period, it will be an offence to operate the installation until a permit is issued.
- If you apply for a **permit for a new installation** you cannot normally bring the installation into operation until a permit has been granted. We cannot issue a permit until we have received an application that is duly made.

- If separate applications are made for **permits for different parts of one installation** (new or existing) the PPC Regulations provide that each individual application can only be treated as having been duly made if all of the applications are duly made. This cannot occur until all of the applications have been received.
- With an application for a **variation, transfer or surrender**, you can continue operating if the application is not duly made but only in accordance with the permit. You will have to submit a new application if you wish to proceed with the variation, transfer or surrender.

### ◆ *Acknowledging receipt*

If we are satisfied that the application is duly made we will acknowledge it and send a receipt for the fee. We will also give you a name and telephone number for someone who you may contact with questions relating to your application.

### ◆ *Further information*

The Application Form and guidance are structured in a way that aims to help you provide all of the information needed in an application. However, in some cases we may need to request further information from you before we can determine your application. Where this is the case, we will send you a notice specifying the information required and the period allowed for its submission. If you think you will not be able to provide the information or respond by the date specified, you should let us know as soon as possible. Failure to provide an adequate or timely response may lead us to judge that your application has been withdrawn.

## Making an Application (continued)

### ◆ **Public register**

We will put a copy of your application and any further information that relates to it on the public registers, excluding any details that have been determined to be commercially confidential or affect national security. We will also provide copies of the information for inclusion on public registers maintained by district councils. If there is to be public consultation on your application (see below), we will tell you the address of the public registers. You will need to know this in advertising your application.

### ◆ **Consultation**

The law requires that we consider comments from the public and "statutory consultees" before we determine some applications. This is mandatory for all new permit applications and for all variations involving a "substantial change". We may undertake consultation under the PPC Regulations for variations that do not involve a substantial change, and may consult on a non-statutory basis for any other application. Any claims for commercial confidentiality or national security are resolved before consultation.

If the public is to be consulted, the PPC Regulations state that you must advertise your application in one or more local newspapers and the *Belfast Gazette*, providing certain information. Annex B gives more detailed instructions relating to the wording, timing and placement of advertisements in practice, plus a sample advertisement.

With regard to statutory consultation, we will send copies of your application to the various statutory consultees.

These are other bodies with specialised interests and expertise who may comment on the application. Applications may also be forwarded to authorities in other EU Member States for consultation in cases where there could be a significant negative transboundary effect.

### ◆ **Determination**

Once we have gained sufficient information and any processes of consultation have finished, we will determine your application. The main possible outcomes are:

- a) in the case of a new permit application –
  - i) the grant of a permit with appropriate conditions, or
  - ii) the refusal of a permit;
- b) in the case of an application for a variation –
  - i) a notice varying the conditions or other provisions of the permit, or
  - ii) the refusal of the variation;
- c) in the case of an application for a transfer –
  - i) the transfer of the permit or issue of a new permit to the transferee with appropriate conditions, or
  - ii) the refusal of the transfer;
- d) in the case of an application for surrender –
  - i) acceptance of the surrender and notice that the permit (or part if it) shall cease to have effect, or
  - ii) the refusal of the surrender.

### ◆ **How long should it take for a decision to be reached?**

The PPC Regulations set statutory periods following receipt of a duly made application within which we should normally reach a decision. In most cases these will be as follows:

- for a permit application; six months for a new installation and nine months for an existing installation;
- for an application for a variation, six months if consultation is undertaken under the terms of the PPC Regulations and three months in other cases;
- for an application for a transfer, two months; and

## Making an Application (Continued)

- for an application for surrender, three months.

These periods do not include the time taken for the Operator to respond to any additional requests for information after the application has been submitted. In complex cases, the Inspector and the Operator may agree that a longer period for determination is appropriate. However, the Operator does not have to agree to this and may appeal to the Planning Appeals Commission against "deemed refusal" if we do not complete our determination in the period specified by the Regulations. In some special cases described in *IPPC: A Practical Guide* the determination period is longer.

◆ ***What can you do if you are dissatisfied with the outcome of your application?***

You may appeal to the Planning Appeals Commission if your application is refused or you are dissatisfied with any permit conditions we impose on you. We will send details of how you can appeal when we advise you of our decision on your application. Appeals should be brought within time limits specified by the PPC Regulations.

## Explanatory Notes on Part A of the Application Form

This part of the form should be completed for any type of application.

The notes on the front page of this part provide further information about completing the form. If you are applying for a variation, transfer or surrender, the reference number will be the same as your permit number.

### A1 About your application

These questions are intended to provide an "at-a-glance" summary of key application and associated reference details.

#### Question A1.1

**Type of application.** Please tick the box corresponding to the type of application that you are making.

#### Question A1.2

**Name of installation.** Please write the name of the installation, in the box provided.

We need this information for record-keeping purposes.

If you are applying for a **new permit**, we would like to discuss with you the name that should be written here before the application is submitted. The name should reflect a combination of the location of the installation and its primary function, for example "**Ballymoney Foundry**". In this way the name of the installation should not change even if the Operator changes. If you do not agree a name with us before you apply, you may propose one.

If you are one of several Operators applying for new permits at a single installation, you should all write the same name here so that it is clear that your applications all relate to the same installation.

If you already hold an IPPC permit and are applying for a **variation, transfer or surrender**, please write the name that was assigned to your installation when the permit was granted.

#### Question A1.3

**Address of installation.** Please write the address of the site of the installation and

its postcode (if it has one) in the spaces provided. These details may be different to your address as the Operator under Section A3 below. You should also provide a Irish grid reference. This reference should correspond to a point that is unique to the installation. Ideally it should reflect a central point for the purposes of IPPC, e.g. the main chimney of a cement kiln. However, accepting that this is not always feasible, you should choose a point which, in your view, is representative of the installation. (If you are applying for a new permit, you should identify this point on the map that you are to provide under question B1.3 on Part B of the Application Form).

If you are one of several Operators at an installation, it may be difficult to establish a single site address that applies to the whole installation. In this case you should write the address that corresponds to the part of the installation for which you are applying, for example the address of the premises for your activity. The primary requirement is to provide an address that will enable us to identify the correct part of the installation. A PO Box number should not therefore be used.

When providing details of postal addresses in this or any other part of the Application Form, please include the postcode for each address. This will assist us in providing an efficient service to applicants and will enable us to link similar addresses where appropriate. Where you are asked to write the locality, this means the local district of a Post Town where the installation is situated.

#### Question A1.4

**Details of existing permits.** Please provide details in the box provided

of any pollution control permits (other than IPPC) that remain in force for the installation. Please identify any applicable Part A,B or C authorisations issued under the Industrial Pollution Control (NI) Order 1997, waste disposal licences or water discharge consents.

## Explanatory Notes on Part A of the Application Form (Continued)

### Question A1.5

#### **Low impact installation.**

Please let us know if you consider that the installation meets the criteria for a "low impact installation" and thus wish to pay the reduced fees applicable to such an installation. A "low impact installation" is defined in the Department's Charging Scheme for Pollution Prevention and Control as:

*"an installation which, in the opinion of the Chief Inspector, cannot result in emissions or there is no likelihood that it will result in emissions except in a quantity which is so trivial that it is incapable of causing pollution or its capacity to cause pollution is insignificant."*

The Department has elaborated on the meaning of this definition in the guidance that is attached to the charging scheme, and it is against this guidance that you should assess whether or not you can reasonably consider your installation to be low impact. You should consider this carefully, since it is an offence to make a statement, either knowingly or recklessly, which is false or misleading. The low impact criteria have been deliberately set strictly. They are only meant to apply to a minority of activities that have trivial environmental impacts. Therefore, any installation that contains any activities which are defined in the PPC Regulations with reference to a numerical threshold cannot be a "low impact installation".

As well as paying reduced fees, anyone operating an installation that meets the low impact criteria may answer some of the subsequent questions on the Application Form in less detail than would be required otherwise. This Guide provides advice on this issue where appropriate.

Should we disagree with your view that you are operating a low impact installation, we will return your application. You will then need to re-apply, either providing further details of why you meet the low impact criteria, or making a "regular" application, if you wish to proceed.

If you obtain a permit as the Operator of a "low impact installation", and wish to change the installation such that it will no longer meet the low impact criteria, you should apply for a variation. Conversely, an installation that is not viewed as low impact upon initial permitting may later meet the criteria because of changes in design, operation, size, etc. In such cases the Operator is still free to make a low impact declaration and pay a lower fee in any subsequent variation, transfer or surrender applications, even though the first permit application did not do this.

## A2 Authorised contacts

### Question A2.1

#### **Application contact.**

Please provide details of a person we can contact with questions on your application. This need not be someone who can answer any such questions – which may for example be quite technical in nature – but should be someone who can convey questions to appropriate people. It may be an agent rather than the Operator (whose details should be provided under Section A3 below).

### Question A2.2

#### **Operational contact.**

In the longer term, we may wish to contact someone to discuss operational matters at your installation, whether or not in connection with any application. Please identify the appropriate person.

## Explanatory Notes on Part A of the Application Form (continued)

### A3 About the operator

These questions are concerned with the identity and legal status of the "Operator". The Application Form indicates what is meant by this, based on the legal definition of "Operator" contained in the PPC Regulations. If you have any doubt whether you meet the definition, you should refer to the PPC Regulations and the explanation contained in *IPPC: A Practical Guide*.

In the case of an application for a transfer, the details that relate to the **proposed** Operator (i.e. the transferee) should be provided by answering the questions in Part D of the Application Form. The questions in Part A should only be completed in relation to the **current** Operator.

#### Question A3.1

#### **Legal status of operator.**

Please identify whether you are applying to be the

Operator as an individual or a group of individuals, a partnership, or a company/body corporate. You may wish to discuss this issue with us before completing the Application Form if you are not sure which applies. How you answer this question will determine which question (A3.2, A3.3 or A3.4) you should go to next.

#### Question A3.2

#### **Details for individual applicants.**

You need to provide the information requested here if you are applying as an individual or a group of individuals. If you apply as an individual and a permit is granted, you will be personally responsible for ensuring compliance with the permit conditions. If you apply as a group of individuals, each of you will be responsible.

#### Question A3.3

#### **Details for applicants in partnerships.**

You need to provide the information requested here if you are applying as a partnership. Information is required from each individual who is a member of the partnership.

#### Question A3.4

#### **Details of the partnership.**

If you are applying as a partnership, please give the name of the partnership and the other information requested to demonstrate that the partnership exists as a legal entity.

#### Question A3.5

#### **Details of companies or corporate applicants.**

You need to provide the information requested here if you are applying as a company or body corporate. If you are applying as a company you will need to provide a copy of the Certificate of Incorporation and certificates of any subsequent name changes. If you are applying as any other type of body corporate please provide evidence of your status, e.g. a reference to the relevant legislation by which the body corporate is established. You should also include your Standard Industrial Classification (SIC) code number.

The company registration number that is provided under this question (where appropriate) should relate to the registered company that will operate the installation, rather than the parent company of a large group of registered companies.

Most applicants answering this question will be companies rather than "bodies corporate". The term body corporate refers to other bodies which are not commonly described as companies. Examples are, those incorporated pursuant to some general Act of Parliament (e.g. building societies), those incorporated pursuant to a royal charter or special Act of Parliament ("public corporations") and insurance companies.

## Explanatory Notes on Part A of the Application Form (continued)

Applicants will normally know if they fall into any of these categories.

### Question A3.6

#### **Details of holding**

**companies.** If you are a subsidiary of a holding

company within the meaning of Article 4 of the Companies (N. I.) Order 1986, you should tick the "Yes" box in this question and then provide the relevant details in the spaces provided.

**Article 4 states that:** A company is a 'subsidiary' of another company, its 'holding company', if that other company:-

- a) holds a majority of the voting rights in it, or
- b) is a member of it and has the right to appoint or remove a majority of its board of directors, or
- c) is a member of it and controls alone, pursuant to an agreement with other shareholders or members, a majority of the voting rights in it,

or if it is a subsidiary of a company which is itself a subsidiary of that other company".

## Explanatory Notes on Part B of the Application Form

The questions in Part B are specific to applications for new permits. They ask for various details about the installation and the way it is proposed to be operated. They also request information that will support identification of the appropriate statutory consultees.

### B1 About the installation

#### Question B1.1

**Installation table.** Please complete the table to identify the entire scope of the installation and the activities that are carried out in it. In most cases it is expected that a single Operator will run a single installation. If, however, different parts of a single installation are run by different Operators, then all of the Operators will need to work together to develop consistent answers for the table. You may need to discuss this issue with us before any applications are submitted. If we receive conflicting applications from Operators who run different parts of the same installation, we are unlikely to be able to determine some or all of the applications.

In **column 1**, you should identify all of the activities in the installation. In the first block of column 1 please identify all activities listed in Part 1 of Schedule 1 to the PPC Regulations that are proposed to be carried out in the "stationary technical unit" of the installation (or in the mobile plant if appropriate). *IPPC: A Practical Guide* describes how you can determine this. If you are one of two or more Operators at an installation, you may not be the Operator of all or indeed any of these activities – you may instead be the Operator of a "directly associated activity". However, you still need to identify the activities in the stationary technical unit since they provide the basis for the installation that you are applying to operate part of.

In the second block of column 1, please identify any other directly associated activities that are proposed to be carried out at any other location on the same site which

have a technical connection with the activities in the stationary technical unit and which could have an effect on pollution. Any such "directly associated activities" are also part of the installation. *IPPC: A Practical Guide* offers advice on how to identify them. You may be the Operator of all, some or none of these directly associated activities. However, you should still identify all of the activities.

In **column 2**, for each activity identified in column 1, you should enter any corresponding activity description from Part 1 of Schedule 1 to the PPC Regulations. For the directly associated activities, however, there may not be a corresponding activity description. If so, write "none".

The activity description entries in column 2 should be written in the format "Section number, Part, paragraph (and sub-paragraph if appropriate)". An example is as follows: 1.1 A (b) (ii). This is the activity description for burning recovered oil in an appliance with a rated thermal input of 3-50 MW, which is in Section 1.1, Part A, paragraph (b) and sub-paragraph (ii) of Schedule 1 to the Regulations. If an activity could fall within more than one description, please write the one you think fits it most aptly.

*As a double-check, once you have completed column 2 you can ensure that your application properly relates to a Part A installation.*

*If the entries in column 2 do not contain one or more Part A activities then you may not be operating a Part A installation and should contact us before proceeding.*

In **column 3**, please identify the Operator for each activity in the installation. Where you are the Operator, write "Applicant". This will denote those activities that you are asking to be authorised under the permit for which you are applying, so you should cover only

activities in the installation for which you appropriately meet the definition of Operator. For all other activities, please write the names of the other Operators.

### Question B1.2

**Reason for the application.** You should indicate the reason for the new permit application by ticking the one of the five boxes that is applicable. If you are applying for an IPPC permit for an existing installation ahead of the relevant transitional period for your installation, but without a proposed substantial change, the application will not be duly made unless we have agreed to process it. Therefore, if you tick the third box, you should attach something that shows our agreement. Normally this will be a copy of a letter from us granting consent for an early application.

The fifth box only applies to mobile plant. It concerns the situation where a mobile plant has already been permitted at one location, and is being moved to another, in which case a new permit is required. If you are applying in respect of a mobile plant that does not yet have an IPPC permit, then you should tick the appropriate one of the four previous boxes (reading "installation" as "mobile plant").

### Question B1.3

#### **Site maps and reports.**

This question identifies two sets of documents that must be submitted with your application.

Firstly, you need to provide a **site report**. This must describe the condition of the site for the part of the installation in respect of which you are applying.

Annex C to this Guide provides detailed guidance on the preparation of a site report in a permit application. It explains the purpose of the site report, the extent of the land which should be covered by the report, and the recommended framework for the production of the report. The recommended framework comprises three phases.

Phase 1a is concerned with initial desk-based research and site reconnaissance. If appropriate, Phase 1b then provides for further desk-based research and exploratory

investigation, whilst Phase 2 involves more thorough site investigation. This general framework is applicable to all applications, with the Operator considering how many of the phases need to be completed for a satisfactory assessment. In the case of an installation that meets the low impact criteria, however, Phase 1a assessment is likely to be sufficient. Most "low impact installations" are also likely to be small, so the area to be covered by the site report should be correspondingly limited.

You should take account of the findings of your site report in the development of proposals to protect the environment as a whole (these proposals are to be described in response to Sections B2-B4 as explained below).

If there are several Operators in an installation, it may be desirable for a single report to be provided covering the whole site. If the Operators choose to do this, each should submit a copy of the report with their application, and must make it clear what parts of the site relate to that application.

Secondly, you need to provide **suitable maps or plans** showing the location of the site of the installation and the location and nature of the various activities on that site and the area of the site covered by the site report. The precise way that this information should be submitted will depend on the size and nature of the installation. The map or plan may comprise more than one part to help make the information clearer and more useful. By way of illustration, a typical submission could involve the following three parts:

- a) An Ordnance Survey map to a scale of 1:10,000 (10 cms to one km, which equates to about 6 inches to one mile) showing the location of the site in the surrounding area by marking the site boundaries (e.g. as defined on the ground by a factory boundary or security fence) in red. You should also outline any other areas of land that you own or occupy in blue.
- b) A larger scale (for example 1:2,500) map or plan of the site showing the location of the installation to which your application

## Explanatory Notes on Part B of the Application Form (continued)

relates and any other installations on the same site. This should also show all existing development and infrastructure (e.g. buildings, roads, storage areas, pipework, power lines etc.) within 250 metres of the boundary of the installation. It should additionally identify any parts of the site that are not owned or occupied by the applicant, if there are any, and give details of who is the owner or occupier.

- c) A separate schematic plan of the installation to which your application relates. This should:
- identify the various distinct activities identified in the table under question B1.1, and distinguish between those activities that you operate and those that are operated by other parties if appropriate;
  - show the discharge point of any emissions you are proposing into the surrounding environment;
  - if you are proposing releases to water (both to sewer and/or other waters), identify the site drainage arrangements, discharge points into the sewer or any other waters, and also where and how any effluents from any other on-site activities join the effluent from the installation;
  - give Irish grid reference details for such emission points;
  - show clearly the location of the Irish grid reference that you are asked to provide in response to question A1.3 in Part A of the Application Form.

Again, if there are several Operators in an installation, they may wish to produce a common set of maps or plans, and then submit one copy each with their applications. The submissions should one copy each with their applications. The submissions should make clear which part of the site and installation relate to each Operator.

Please make sure that you have the necessary permission to make copies of any maps that you reproduce.

### **B2-B4 Impact on the environment**

These questions cover several complex and inter-related factors. They will be central to your application. You are required to set out various details about the effects of your operations and the steps that you propose to take to ensure that the environment is protected as a whole.

The questions cover the requirements of the PPC Regulations (in particular paragraphs 1(1)(f)-(k) of Schedule 4) and other legislation that must be given effect through IPPC.

The 3 sections (covering some 16 individual issues) follow the 3 basic steps for demonstrating that your proposals meet the regulatory requirements:

- **demonstrate that the techniques you are proposing are BAT and meet the other requirements of the PPC Regulations (Section 2);**
- **compare the resulting emissions with any BAT-based benchmarks (Section 3);**
- **assess the impact of those emissions on the environment (Section 4).**

Except where the Application Form dictates otherwise, your application should only address these issues in respect of those parts of the installation for which you are the Operator.

In order to make satisfactory responses to them you should refer to the relevant Technical Guidance for your sector that covers the matters to be addressed, (see "Choosing the right Technical Guidance" below).

Please note that special considerations apply to Operators answering these questions in respect of a "low impact installation". This

## Explanatory Notes on Part B of the Application Form (continued)

Guide provides specific advice on this issue in its comments on Sections B2 – B4 below.

### ◆ *Using existing information when answering these questions*

Your answers to the questions in Section B2, B3 and B4 will comprise a package of material that you should submit along with the completed Application Form and other attachments.

You may already have some information that is relevant to these questions, for example in the shape of environmental management system manuals or documentation from previous regulatory regimes. Where this is the case, you may ensure that it is clear what parts of any such attached information are being cited and how they relate to your answer to each part of these questions.

### ◆ *Putting environmental assessment in context*

In providing responses to questions in Sections B2, B3 and B4 you should bear in mind that we will need to be confident that the operation of your installation will meet the requirements of the PPC Regulations and other legislation. Thus, you should aim to demonstrate, in your application, how you propose to achieve this.

The principal requirement is that emissions (of substances, vibrations, heat and noise) must be prevented or reduced at least to the standards achievable using BAT. *IPPC: A Practical Guide* explains the principles behind BAT. In some cases it will be necessary to reduce emissions further, for example to ensure that requirements relating to matters such as compliance with environmental quality standards and minimisation of long distance and transboundary pollution are met. We are required to impose the ELVs or equivalent parameters or technical measures that we

believe are appropriate to satisfy these obligations.

We are also required to include other conditions in a permit that we consider appropriate to give effect to provisions relating to issues other than emissions, e.g. energy efficiency, waste management and accidents. We need to ensure your proposals are satisfactory in this regard.

If we are satisfied with your proposals, and that the other requirements of the legislation are met, we will issue you a permit containing appropriate conditions that correspond to what you have proposed. If we are not entirely satisfied, however, we may do one of four things:

- 1) We may issue a permit with conditions that go beyond or are additional to what you have proposed. We cannot do this, however, if we have reason to believe you will not comply with the conditions. If this is so, we will act in accordance with (2), (3) or (4) below.
- 2) We may invite you to submit further information in those areas where we believe there are deficiencies in your application or the proposals you have made.
- 3) We may issue a permit that allows the operation of those activities in respect of which we are satisfied, excluding the other activities for which the application was made.
- 4) We may refuse the permit.

### ◆ *What the Technical Guidance contains*

The relevant Technical Guidance note follows the structure of Sections B2, B3 and B4. It describes the information that you should provide to address these issues. This includes advice on where detailed assessments are required and, where appropriate, clear indicate requirements against which your proposals should be compared.

## Explanatory Notes on Part B of the Application Form (continued)

At the front of each Technical Guidance note there is a diagram showing how to employ the three steps described above in putting your application together. In most cases, how to do this should be self-evident from the guidance. The following explanations, however, give more details on how to tackle the decisions required.

The purpose of the Technical Guidance is to improve the consistency and transparency of the permitting process. Where appropriate, the relevant Technical Guidance note will cross-refer to other guidance materials, such as those for monitoring and noise, and the UK Agencies' guidance "*Methodology for IPPC BAT Determinations, H1*" the use of which is described later.

### ◆ *Choosing the right Technical Guidance*

You will need to consider which Technical Guidance is the most applicable in the light of your activities. It is vital that you use the most appropriate guidance since this will dictate the standards against which your proposals will be compared. We strongly recommend that you speak to us to find out what is the latest and most appropriate guidance available.

The relevant Technical Guidance note for your sector will either be:

- the specific **IPPC Sector Guidance Note for your sector** where one exists (in some cases interim guidance has been produced in advance of full sector guidance being available);

OR, where such IPPC guidance has yet to be produced for your sector:

- the **IPPC General Sector Guidance Note** which covers the relevant issues under IPPC that were not dealt with by the previous regulatory regimes under the Industrial Pollution Control (NI) Order 1997. This note should be used in

conjunction with the appropriate existing IPC guidance.

Either of these Technical Guidance Notes will lead you through this part of your application. The following explanation puts the Technical Guidance and the methodology used into context.

The choice between the **IPPC Sector Guidance Note for your section** and the **IPPC General Sector Guidance Note** depends simply upon the availability of the former.

However, you may be proposing to operate a range of activities that are **covered by more than one guidance note**. For example many non-combustion activities operate alongside a combustion plant. In such cases you will need to consider the issues in all of the relevant Technical Guidance notes. It is up to you whether you follow through the methodology as separate exercises for each activity/guidance note or, alternatively, apply the methodology in the most apt guidance for the main activities and add in relevant technical considerations from the other guidance as you proceed. The outcome should be the same.

In some cases there may be **no guidance relevant to your activities**, for example where they are novel or unusual. The default is to use the **IPPC General Sector Guidance Note** for the structure. You will have to demonstrate that you evaluated a range of options and identified a complete set of techniques, technologies and other measures that you propose to apply. In such cases you should contact us to determine the most appropriate approach.

### B2 Your proposed techniques

#### Questions B2.1-B2.12

These questions require you to demonstrate that the techniques you are proposing are BAT and meet the other requirements of the PPC Regulations. The notes below provide general advice on how to do this followed by particular comments in relation to “low impact installations”.

Sections 2.1 to 2.12 of the relevant Technical Guidance note deal with the corresponding application questions B2.1 to B2.12 and cover the various aspects of your plant. The information you need to provide is given in the shaded (BAT) boxes in each section of the guidance.

In demonstrating that BAT is being proposed the approach is based on a combination of assessment using the relevant Technical Guidance note and installation-specific assessment.

Section 2 of the relevant Technical Guidance note contains specific requirements in two ways:

- A. In some cases the guidance identifies **mandatory requirements**. These are derived, for example, from EC Directives for certain types of installations. Where such a mandatory requirement is identified that is applicable to your application, you will not be granted a permit unless you demonstrate that you will comply with it. However, such mandatory requirements typically set maximum permissible emission levels, rather than standards that correspond to BAT. BAT may, in fact, require stricter standards which will have to be applied.
- B. In other cases the guidance contains **clear, indicative requirements**, in the form of standards, measures and timetables. These correspond to cases where it has been possible to make a judgement on what will be sufficient in the

majority of cases to meet the standards of BAT and the other legislative requirements. Where such clear, indicative requirements apply to your application, you should either confirm that you propose to meet them or justify a different proposal. Some clear, indicative requirements apply to all installations, while others apply only to new or existing installations. If there is a major modification to an existing installation, however, the new plant standards will normally be applicable. This is because the process of making a major modification will often entail significant replacement or addition of plant anyway, so the marginal cost of meeting new plant standards may be relatively small.

In addition to containing “A” and “B” requirements as above, the relevant Technical Guidance note may direct you to provide information and develop proposals in areas where no such requirements have been set. An example would be where the guidance has identified the main candidates to meet the standards of BAT and other legislative requirements, but the final choice can only be made on an installation-specific basis. Another example would be where some elements at specific sites are not dealt with by the “normal” conditions reflected in the guidance.

#### ◆ Responding to “clear indicative requirements” in Section 2 of the Technical Guidance

Your submissions in response to such clear, indicative requirements should be as follows:

- If you propose to comply with any clear, indicative requirement, you may need to describe how you will do this, if this is not obvious from the wording of the requirement itself. For example, if the clear, indicative requirement involves compliance with a specified emission limit value, you should explain what techniques you will use to achieve this.

## Explanatory Notes on Part B of the Application Form (continued)

The guidance itself may indicate where such explanations are required.

- If you propose to deviate from any clear, indicative requirements, you should provide an explanation for this. Such deviations may involve proposals that are either stricter or less strict than the indicative requirements:

- Stricter proposals may be appropriate if you are seeking to apply new techniques that have become available after the publication of the guidance, or because the particular technical configuration of “standard” techniques at your installation makes higher standards practicable. Stricter proposals may also be necessary where, for example, the indicative standards would not secure compliance with an environmental quality standard in a particular area, or provide adequate protection for a European site. You are advised to consider such possibilities at this stage, and develop further proposals as necessary, rather than assuming that compliance with indicative standards will always be sufficient to obtain a permit. If you do not do this, and your assessment of the environmental effects of your proposals or other information suggests that your releases will have unacceptable impacts, we will not permit you to operate at the standards you propose.

- Less strict proposals may be justified due to particular factors relating to your installation or the local environment. For example, you may operate to a standard that is very close to an indicative requirement, but using different plant or processes from that upon which the indicative requirement is based. In such a case it may impose a disproportionate cost to replace the old plant with the new techniques for only a small decrease in emissions. However, if you wish to propose a deviation on such grounds,

it is essential that you provide a properly costed justification, setting out how the costs of techniques compare with the emission reductions achievable. You should not seek to justify less strict proposals simply on the grounds that you cannot afford to comply with the indicative standards.

◆ *Providing an appropriate level of installation-specific justification for*

Within the steps outlined above, there are various possibilities for the assessment and justification of proposals on a site-specific basis. These include:

- justification of deviations from indicative requirements in guidance;
- assessment of options to determine which of those identified by guidance is best for a particular site; and
- development of proposals for parts (or possibly all) of an installation that are not covered by guidance.

The basic rule in such cases is that you should compare a range of options on the basis of costs and benefits, and propose what you think is most appropriate to meet the requirements of the PPC Regulations. However, the level of detail required will depend on the environmental significance of the matter in question.

In the more complex cases, which include any cases of departures from indicative standards or issues not covered by guidance where:

- there are a range of options available which would lead to significantly different environmental effects,
- or
- the cost implications are a major factor (this tends to be connected with the control of the most significant emissions);

It will be necessary to develop proposals through a detailed analysis of the costs and benefits of options. In such cases the assessment will need to compare the range

## Explanatory Notes on Part B of the Application Form (continued)

of options against the BAT criteria set out in Schedule 2 to the PPC Regulations, taking into account the technical characteristics of the installation concerned, its geographical location and local environmental conditions.

Our preferred methodology for such assessments is set out in the “*Methodology for IPPC BAT Determinations, H1*”(in preparation). From such an assessment it should be demonstrated that the proposed combination of primary process and abatement equipment satisfies the PPC Regulations. The methodology is flexible and has steps built into it to ensure that the work involved is proportionate to the level of assessment required. Regard should also be had to the principles of BAT determinations set out in *IPPC: A Practical Guide*.

In many situations, however, it will not be necessary to carry out a detailed analysis of options. This may be the case where, for example, an indicative standard is inappropriate for obvious technical reasons, such that a departure can be justified in just a few words. Equally, if there are only minor additional emissions from your installation beyond those covered by guidance, we would not normally require you to demonstrate that you have completed a detailed comparison of alternative control techniques. Rather, we would simply expect you to propose techniques that you believe will meet the requirements of the legislation. We will then consider if what you have proposed is acceptable.

### ◆ *Energy efficiency and the Climate Change Levy*

The relationship between the IPPC energy efficiency requirements and the Climate Change Levy (CCL) is dealt with in questions B2.7.1-B2.7.3. The IPPC requirements will be met provided that either:

- the Operator meets the basic energy requirements set out in the relevant

Technical Guidance **and** holds a valid CCL Agreement (CCLA) or Trading Agreement with the Government; or

- the Operator meets the basic energy requirements **and** the further, sector-specific energy requirements, both of which are set out in the relevant Technical Guidance.

If you are relying on a CCLA, we need proof that you have indeed entered into such an agreement. In response to question B2.7.3, therefore, please provide as a minimum a copy of the front sheet of the Underlying Agreement signed by the DEFRA (CCLA certificates will not be issued by the DEFRA in the first instance), together with a list of participating sites. If you wish to submit the complete Underlying Agreement, please do so.

### ◆ *Low impact installations*

If you are applying in respect of a “low impact installation”, then your answers to questions B2.1-B2.12 need not be as detailed as described above for the general case. Please answer these questions as follows:

B2.1 – describe how you meet criterion (a) of the low impact installation determination criteria (these criteria are set out in the Department’s *Charging Scheme for Pollution Prevention and Control (PPC)*).

B2.2 – describe how you meet criterion (b) of the low impact installation determination criteria.

B2.3 – describe how you meet criterion (c) of the low impact installation determination criteria.

B2.4 – describe how you meet criterion (d) of the low impact installation determination criteria.

B2.5 – describe how you meet criterion (e) of the low impact installation determination criteria.

## Explanatory Notes on Part B of the Application Form (continued)

B2.6 – provide a brief description of how you propose to recover or dispose of any waste you produce.

B2.7.1 to B2.7.3 – describe how you meet criterion (f) of the low impact installation determination criteria.

B2.8 – describe how you meet criterion (g) of the low impact installation determination criteria.

B2.9 – describe how you meet criterion (h) of the low impact installation determination criteria.

B2.10 – please provide a brief description of any monitoring proposals. In most cases, however, the very small levels of releases from “low impact installations” should mean that only minimal monitoring (if any) is required.

B2.11 – please answer this question by referring to section 2.11 of the relevant Technical Guidance. However, your description of proposed measures upon cessation should be proportionate to the pollution risk of your installation, which should by definition be low.

B2.12 – please answer this question by referring to section 2.12 of the relevant Technical Guidance, if it applies to you. It is unlikely to apply to most Operators of “low impact installations”, however, since such installations will normally be small with each having just a single Operator.

### **B3 Your proposed emissions**

#### **Question B3.1**

This question asks you to compare the emissions resulting from your proposed techniques with any BAT-based benchmarks.

Section 3 of the relevant Technical Guidance note describes the details of what is required.

The comments under Section B2 above are equally valid in responding to this question for:

- “mandatory” and “clear indicative requirements” (the clear indicative requirements in this case are the BAT benchmarks);
- responding to the clear indicative requirements;
- providing an appropriate level of justification for your proposals.

#### ◆ *Low impact installations*

If you are applying in respect of a “low impact installation”, please answer this question by describing how you meet criteria (i) and (j) of the low impact installation determination criteria.

### **B4 The impact of your proposals on the environment**

#### **Questions B4.1 -B4.3**

These questions require you to assess the impact of your emissions on the environment.

Once you have worked through Sections 2 and 3 of the relevant Technical Guidance, you will have developed a full set of proposals for your intended operations, described the nature, quantities and sources of your foreseeable emissions into each environmental medium and compared these with the benchmark values.

You should now describe any potentially significant effects of those emissions on the environment, following Section 4 of the guidance. The purpose of this assessment is to demonstrate that the impacts of your proposals will be acceptable – for example through compliance with environmental quality standards. This is why any indication at an earlier stage that the options or

## Explanatory Notes on Part B of the Application Form (continued)

standards under consideration might lead to unacceptable consequences should lead you to consider alternative proposals that are available with a lower environmental impact.

Question B 4.2 requires you to demonstrate that the relevant objectives in Schedule 3 of the Waste and Contaminated Land (N.I.) Order 1997 have been addressed.

These apply to any installation involving the disposal or recovery of waste, whether or not that is the primary purpose of the installation. If you have already addressed this requirement in other sections of your application (e.g. questions B 2.5 and B 2.6), simply refer to these in your answer to question B 4.2.

The relevant objectives are:

- Ensuring that waste is recovered or disposed of without endangering human health and without using process or methods which could harm the environment and in particular without risk to water, air, soil, plants or animals, or causing nuisance through noise or odours or adversely affecting the countryside or places of special interest.
- Implementing as far as material any plan made under the plan-making provisions.

Plans referred to in the second objective include any regional or sub regional plan to implement the N.I. Waste Strategy.

### ◆ *Low impact installations*

If you are applying in respect of a “low impact installation”, please answer these questions as follows:

B4.1 – you do not need to provide any information as, by definition, an installation that meets the low impact criteria should have no significant environmental effects. Simply write “low impact installation” in the box.

B4.2 – please answer this question by referring to section 4.2 of the relevant Technical Guidance and the previous section.

B4.3 – you do not need to answer this question for the same reason as described in respect of B4.1. Simply write “low impact installation” in the box.

## **B5 EIA Directive assessments**

### **Question B5.1**

**EIA Directive information.** You are required to provide information so that we can take account of any relevant Environmental Impact Assessment (EIA) for your installation undertaken in fulfilment of EC Directive 85/337 on the assessment of the effects of certain public and private projects on the environment (the EIA Directive).

If the development of your installation or any subsequent change or extension of it has required an environmental statement under the EIA Directive, please supply a copy of it and details of any decisions made in respect of it through the planning process. You may need to obtain this information from the relevant planning authority if you do not already have it. You should supply the information regardless of whether the environmental statement was required in respect of a past planning decision that has already been determined or a current planning application that has yet to be determined.

## **B6 Statutory consultees**

This section of the Application Form asks a series of questions that will assist prompt processing of your application by ensuring your application is sent to the right statutory consultees. In some cases you may need to identify specific authorities, such as the applicable district councils, Health & Social Services Board or Harbour Authority. If you

## Explanatory Notes on Part B of the Application Form (continued)

do not know the name of the appropriate authority in relation to a question, please contact us and we will endeavour to help you to identify the authority or direct you to another source of information.

### Question B6.1

**District Councils.** Please identify any relevant district council in whose area your installation is situated.

### Question B6.2

**Health & Social Services Board.** Please identify any relevant in whose area your installation is situated. "Health & Social Services Boards" are defined in the PPC Regulations.

### Question B6.3

**Release into a sewer.** Where the operation of an installation may involve the release of any substance into a sewer, we are required to consult with Northern Ireland Water. Your answer should reflect the possibility of unintentional releases as well as releases for which you are seeking permission.

### Question B6.4

**ASSI's (within 2kms).** Where the operation of an installation may involve an emission that may affect an Area of Special Scientific Interest (ASSI), we must consult the Department of the Environment for Northern Ireland. This question therefore provides a simple way to identify the most common cases where an effect on an ASSI could (but not necessarily will) arise. It asks you to identify any ASSIs that are within 2km of your installation. If this is the case, we will automatically consult with the Department. You can obtain help in identifying the location of ASSIs from NIEA Natural Heritage, 028 90 569518.

### Question B6.5

**Other ASSI's** Please identify any other ASSI's (i.e. not covered under question B6.4) that could be affected by emissions from your installation. Your answer should reflect the possibility of unintentional releases as well as releases for which you are seeking permission. Negligible or trivial effects

should be disregarded.

### Question B6.6

**European sites under the Habitats Regulations.** If your assessment for the purposes of answering question B4.1 or B4.3 has indicated that any European Sites may be affected by emissions from your installation, please list them here. Negligible or trivial effects should be disregarded. "European Site" is defined in the PPC Regulations. Section 4.3 in either the IPPC Technical Guidance note for your sector or the General Sector Guidance note gives further details on what constitutes a European Site.

### Question B6.7

**Release into any Waters.** Where the operation of an installation may involve the release of any substance directly into any waters, we must consult the Water Management Unit of the Environment and Heritage Service. Please identify the waters concerned if this is the case. Your answer should reflect the possibility of unintentional releases as well as releases for which you are seeking permission.

### Question B6.8

**Release into Inland Fisheries Waters.** Where the operation of an installation may involve the release of any substance directly into inland fisheries waters, we must consult the Department of Culture, Arts and Leisure. Please identify the waters concerned if this is the case. Your answer should reflect the possibility of unintentional releases as well as releases for which you are seeking permission.

### Question B6.9

**Harbour Authorities.** Where the operation of an installation may involve the release of any substance into a harbour managed by a Harbour Authority, we are required to consult with the Harbour Authority. Please identify the Harbour Authority if this is the case. Your answer should reflect the possibility of unintentional releases as well as releases for which you are seeking permission. "Harbour Authority" is defined in the PPC Regulations.

## Explanatory Notes on Part B of the Application Form (continued)

### Question B6.10

#### **Release into Coastal Waters.**

Where the operation of an installation may involve the release of any substance directly into relevant territorial waters or coastal waters, we must consult the Department of Agriculture and Rural Development. Please identify the waters concerned if this is the case. Your answer should reflect the possibility of unintentional releases as well as releases for which you are seeking permission.

### Question B6.11

#### **COMAH** If a major accident prevention policy

document or safety report (under the Control of Major Accidents Hazards Regulations (NI) (2000) is required in relation to the site of your installation, we are required to consult the Health and Safety Executive for Northern Ireland. Please tell us, by ticking the relevant box, if either of these requirements applies to the site of your installation. You need not be the holder of the major accident document policy or safety report – they may apply to another Operator in the same installation or another installation on the same site.

### Question B6.12

#### **Planning Service.**

Where the operation of the installation will involve the carrying out of a specified waste management activity, we must consult the Department of the Environment, Planning Service.

### Question B6.13

#### **Releases into Waters under the control of the Loughs Agency or Waterways Ireland.**

Where the operation of an installation may involve the release of any substance directly into waters under the control of the Loughs Agency or Waterways Ireland, we must consult them. Please identify the waters concerned if this is the case. Your answer should reflect the possibility of unintentional releases as well as releases for which you are seeking permission.

## Explanatory Notes on Part B of the Application Form (continued)

### **B7 Specified waste management**

This section is intended to ensure that certain regulatory requirements are met before we issue any permit that authorises any “specified waste management activities”.

#### **Question B7.1**

#### **Identification of any “specified waste management activities”.**

This question asks you to tick the appropriate box depending on whether or not you are applying to operate any “specified waste management activities”. You will need to know what this means – it is defined in the PPC Regulations and explained in *IPPC: A Practical Guide*. If you tick the “Yes” box, please identify the specified waste management activities in the space provided and then answer the remaining questions in this section.

#### **Question B7.2**

#### **Planning status.** We are not allowed to permit the carrying out of any

specified waste management activity unless any necessary planning permission under The Planning (General Development) Order (Northern Ireland) 1993 has been granted. You must demonstrate how you meet this requirement.

A certificate of lawful use or development, or an established use certificate, is acceptable. Please provide relevant information in the appropriate box(es) on the form. Send us a copy of any existing relevant planning permissions or certificates. You should do this for all specified waste management activities that you are applying to operate. If you are waiting for the decision of the Planning Service, please provide a copy of the planning application.

#### **Question B7.3-B7.9**

#### **Fit and proper person.**

We are not allowed to authorise any specified waste management activities unless we are satisfied that you are a “Fit and Proper Person” (FAPP) in relation to those activities. The component requirements of a FAPP are set out in the PPC Regulations.

#### **Question B7.3-B7.9**

#### **Fit and proper person.**

We are not allowed to authorise any specified waste management activities unless we are satisfied that you are a “Fit and Proper Person” (FAPP) in relation to those activities. The component requirements of a FAPP are set out in the PPC Regulations.

## Explanatory Notes on Part C of the Application Form

The questions in Part C are specific to applications for variations. They ask for various details about the proposed changes and their effects on the environment.

### C1 About your proposed changes

#### Question C1.1

#### Installation table. Please

Complete the table to identify the entire scope of the installation and the activities currently carried out in it as things stand, and indicate the proposed variations. Completion of **columns 1 to 3** should follow the approach set out in the explanation to question B1.1 on Part B of the Application Form. Indeed, you may simply be able to reproduce the information entered in the table for your original permit application. However, if there have been any variations, transfers or surrenders (whether affecting you or any other Operator at the installation) between the issue of your permit and the variation for which you are now applying, you will need to amend the information in columns 1 to 3 accordingly. In addition, if your proposed changes would add any new activities, you will need to detail them in columns 1 to 3.

In **column 4**, please indicate which activities would be affected by the variation for which you are applying. We are not looking for detailed information here, since this should be provided in response to subsequent questions. Please use the following approach to complete this column:

- If a current activity would be unaffected by the proposed changes, write “none”.
- If a current activity would be affected, please briefly indicate the proposed change, e.g. “Change in fuel”, “Change in process”, “Capacity increase”, etc.
- If a new activity would be introduced, write “New activity”.

#### Question C1.2

#### Summary of the variation.

Please provide a sufficiently detailed summary of the variation for which you are applying to enable us to understand what changes are proposed and why.

Your variation application may or may not relate to a proposed “change in operation”, defined in the PPC Regulations as “a change in the nature or functioning or an extension of the installation ... which may have consequences for the environment”. A change in fuel or capacity, for example, might constitute a change in operation while a change in reporting arrangements might not (although it could still require a variation to the permit).

If you think the variation for which you are applying requires any specific changes to your permit conditions, and you believe you know what those changes should be, you may suggest them to us. For example, if you are planning a change in fuel or process that would lead to different emissions, you may propose what the new or amended emission limit values should be. You should include suitable justification for any such proposals, and normally this should be based on your answers to the questions in C2-C4 below.

#### Question C1.3

#### Details of any additional

**land.** If you are proposing a “change in operation”,

you must tell us if the change would result in any additional land being included within the site of the installation. If it would, you must provide appropriate information that updates the **maps or plans** and the **site report** that were submitted when you applied for your permit (as amended by any subsequent variations, transfers or surrenders).

The information should be submitted in a manner consistent with the new approach described for these requirements in respect of a new permit application. This is explained in the notes on question B1.3 in Part B of the Application Form.

## Explanatory Notes on Part C of the Application Form (Continued)

### Question C1.4

#### **Assessment of substantial change**

We need to know if a proposed variation would constitute a “substantial change”. If it would, we have to consult with the public and statutory consultees. Based on your answers to the questions in Section C2, C3 and C4 below, you should be in a position to make a judgement on whether the variations for which you are applying would entail a “substantial change”. You should set out this judgement for our consideration, by ticking the “Yes” or “No” box as appropriate and attaching an explanation. Your explanation will need to reflect the definition of “substantial change” in the PPC Regulations as well as policy and guidance on this issue produced by the Department of the Environment (in *IPPC: A Practical Guide*) and by the Chief Inspector (available on request).

### **C2-C4 Impact on the environment**

These sections require you to set out various details about the effects of your proposed changes on the environment. They lay out the 16 issues on which information is required.

You should provide your responses in the way that is explained for the same 16 issues in respect of a new permit application (Sections B2-B4 on Part B of the Application Form). Of course, your answers need only reflect any changes that would be brought about compared to the current situation. For example, if you are proposing to switch the raw materials that you use (issue C2.2), with consequences for your emissions (issue C3.1) and their effects (issue C4.1), you should detail these changes accordingly. However, if there are no consequences in other areas, a simple “no change” statement will suffice.

### **C5 EIA Directive Assessments**

#### Question C5.1

#### **EIA Directive information.**

If the development of your installation or any subsequent change or extension of it has required an environmental statement under the EIA Directive, we need to see a copy of it and details of any decisions made in respect of it through the planning process. This requirement is equivalent to the one explained in question B5.1 on Part B of the Application Form for a new permit application.

We must consider this information regardless of whether the environmental statement was required in respect of a past planning decision that has already been determined or a current planning application that has yet to be determined. In the case of a past planning decision, however, you may have submitted the information to us before (for example in your original application for your permit). You need not supply such information a second time, but instead can refer back to your previous submission.

### **C6 Statutory consultees**

This section of the Application Form asks a series of questions that will help us to ensure your application is sent to the right statutory consultees if necessary. The questions in this section are the same as those in Section B6 of Part B of the Application form, relating to new permit applications, on which guidance has been given earlier.

## Explanatory Notes on Part D of the Application Form

The questions in part D are specific to applications for transfers. They ask for various details about the extent of the transfer and the proposed transferee.

### **D1 About the parts of the site you**

#### **Question D1.1**

**Installation table.** Please complete the table to identify the entire scope of the installation and the Operators of the activities carried out in it as things currently stand, and indicate the proposed transfers.

Completion of **columns 1 to 3** should follow the approach set out in the explanation to question B1.1 in Part B of the Application Form. Indeed, you may simply be able to reproduce the information entered in the table for your original permit application. However, if there have been any variations, transfers or surrenders (whether affecting you or any other Operator at the installation) between the issue of your permit and the transfer for which you are now applying, you will need to amend the information in columns 1 to 3 accordingly.

In **column 4** please indicate which activities would be transferred by writing the name of the proposed new Operator – the “transferee”.

### **D2 About the proposed transfer**

**As well as answering the questions in this section you must send us the original (not a copy) of the permit you are applying to transfer.**

#### **Question D2.1**

#### **Extent of the transfer.**

This question asks if the application is for a partial transfer of the permit. This is defined in the PPC Regulations.

The answer to this question will be “No” if the transferee would become the person with control over all of the activities covered by the permit. If, however, the current Operator wishes to retain part of the permit – for example to continue operating some of the activities – the answer to this question is “Yes”.

In the case of a partial transfer, two sets of explanatory documents must be attached to your application.

Firstly, you must explain how the **operational integrity** of the installation would be maintained under the proposed transfer. This should demonstrate, in particular, how any necessary inter-reliances between the applicants and their activities will be ensured.

Secondly, you must provide a **map or plan** identifying the part of the installation to which the proposed transfer applies. This should be prepared in accordance with the approach explained for the similar requirement that arises in respect of a new permit application under question B1.3 on Part B of the Application Form.

#### **Question D2.2**

#### **Variations to the permit conditions.**

It may be necessary, as a result of a partial transfer, to vary some of the permit conditions in the resulting permits. For example, ELVs may have to be apportioned, or further conditions may become needed upon divided operation to ensure that necessary inter-reliances are maintained. If you think the transfer that you are applying for requires any variations to the permit conditions, and you believe you know what those changes should be, you may suggest them to us. You should include suitable justification for any such proposals.

## Explanatory Notes on Part D of the Application Form (Continued)

### **D3** *About the proposed transferee*

#### **Questions D3.1-D3.6**

These questions are concerned with the identity and legal status of the transferee. They are the same as questions A3.1 to A3.6 on Part A of the Application Form that must be answered in respect of the current Operator.

### **D4** *Specified waste management*

#### **Questions D4.1-D4.8**

#### **Fit and proper person.**

We are not allowed to authorise any specified waste management activities unless we are satisfied that you are a "Fit and Proper Person" (FAPP) in relation to those activities. The component requirements of a FAPP are set out in the PPC Regulations

## Explanatory Notes on Part E of the Application Form

The questions in Part E are specific to applications for surrenders. They ask for various details about the extent of the surrender and the condition of the site.

### **E1 About the parts of the site you want to surrender**

#### **Question E1.1**

**Installation table.** Please complete the table to identify the entire scope of the installation and the activities carried out in it as things currently stand, and indicate the proposed extent of the surrender.

Completion of **columns 1 to 3** should follow the approach set out in the explanation to question B1.1 on Part B of the Application Form. Indeed, you may simply be able to reproduce the information entered in the table for your original permit application. However, if there have been any variations, transfers or surrenders (whether affecting you or any other Operator at the installation) between the issue of your permit and the surrender for which you are now applying, you will need to amend the information in columns **1 to 3** accordingly.

In **column 4**, please tick the relevant boxes to indicate the activities that you have ceased or intend to cease operating and in respect of which you are applying for surrender of your permit.

### **E2 For partial surrender**

#### **Question E1.1**

**Partial surrender.** This question asks if you are applying for a “partial surrender”. This is defined in the PPC Regulations. It refers to the situation where you apply for surrender in respect of some but not all of the activities covered by your permit. If such an application is accepted, you will still be able to operate the activities that were not covered by the partial surrender. For example, if you run a manufacturing process and a dedicated waste treatment facility,

improvements to the former may eliminate waste production and thus render the latter redundant. In this case you might want to surrender the permit in respect of the waste facility.

If you are applying for a partial surrender, you will need to supply a map or plan identifying the part of the installation to which the surrender application relates. This should be prepared in a manner consistent with the information supplied in your original permit application, as set out earlier in the explanation for question B1.3 in Part B of the Application Form (and any subsequent updates to that information through previous variations, transfers or surrenders).

#### **Question E2.2**

**Variations to the permit conditions.** It may be necessary, as a result of a partial surrender to vary some of the permit conditions in the remaining permit. For example, the conditions could regulate some aspects of a relationship between two different activities. If the permit were to be surrendered in respect of one of those activities the conditions relating to the other may have to be changed accordingly. If you think the surrender for which you are applying requires any variations to the remaining permit conditions, and you believe you know what those changes should be, you may suggest them to us. You should include suitable justification for any such proposals.

### **E3 For all surrender applications**

#### **Question E3.1**

**Site report.** You must supply a site report

describing the condition of the site of your installation (or the relevant part of the site in the case of a partial surrender). This should identify, in particular, any changes from the condition of the site as described in the original permit application (or the variation application if appropriate). The site report on surrender should therefore be produced in a way that allows for ready comparison against the original site report, as described in the explanation to question B1.3 in Part B of the Application Form.

#### **Question E3.2**

**Details of steps taken on the site.** Please indicate whether any steps have

been taken to avoid any pollution risk or to return the site to a satisfactory state. In most cases we will need to be satisfied that any pollution risks that have resulted from the operation of the installation since the IPPC permit was granted have been removed. In the case of specified waste management activities, however, you may also need to take steps in relation to pollution risks that resulted from operations before the IPPC permit was granted (i.e. under previous regulatory regimes). This is detailed in the PPC Regulations. You should describe the pollution risks that you have identified and the steps you have taken to address them. Where appropriate, you should explain how you have implemented any requirements of your permit relating to removal of pollution risks and restoration of the site to a satisfactory state upon surrender.

## Explanatory Notes on Part F of the Application Form

This part of the form should be completed and signed for any type of application.

### F1 Fees and charges

When you send us any application, you need to enclose a fee in all cases except where the application is for a non-chargeable variation. The application will not be duly made (valid) unless the necessary application fee is received.

The notes below should be used in conjunction with the Department's *Charging Scheme for Pollution Prevention and Control*, which you should have received with your Application Form, to help you answer the questions on the form. The "scheme paragraph" references in the notes identify the relevant parts of that charging scheme where appropriate. The scheme is regularly reviewed, so please make sure that you are using the right version for the year in which you are applying.

#### Question F1.1

**Type of application.** All applicants should complete this question. Please tick

one box (and only one) from the following as appropriate:

#### F1.1.1 Permit (scheme paragraphs 4 – 6)

If you are making an application for a permit, please tick either (a) or (b) as follows:

- (a) if the installation has been put into operation or has been subject to a substantial change between 31 October 1999 and 31 December 2003, **and** a fee has been paid for the new or varied IPC authorisation or discharge consent; or
- (b) if (a) does not apply.

Applicants who have paid a fee as in (a) above will only pay the difference between the fee due for the IPPC application and that already paid for the IPC or discharge consent application.

#### F1.1.2 Variation (scheme paragraphs 12 – 15)

If the application is for a variation to an existing permit, please tick either (a) or (b) as follows:

- (a) if the variation is of the nature of a minor administrative change (in which case **no charge is payable** and you do not need to complete any further parts of this section – please proceed to section F2); or
- (b) if the variation is other than a minor administrative change ("standard variation").

Should the Chief Inspector consider that the variation would involve a substantial change, we will send a notice to you along with an invoice for the additional application charge due (scheme paragraphs 14 and 15). We will not be able to determine the application until payment of this invoice has been received.

#### F1.1.3 Transfer (scheme paragraphs 16 – 17)

If the application is to transfer all or part of an installation to another party, then tick the appropriate box (a) or (b).

#### F1.1.4 Surrender (scheme paragraphs 18 – 19)

If the application is to surrender all or part of an installation, then tick the appropriate box (a) or (b).

#### Question F1.2

#### Type of installation.

All applicants should complete this question. Please tick one box (and one only) from the following as appropriate:

#### F1.2.1 Low impact installation (scheme paragraph 20)

Please tick this box if you are applying in respect of a low impact installation. You should tick this box if, and only if, you are able to answer "Yes" in response to question

## Explanatory Notes on Part F of the Application Form (Continued)

A1.5 on Part A of this form. If you tick this box, please complete question F1.3 if appropriate, and then go straight to F1.5.4.

### F1.2.2 Mobile plant (scheme paragraph 7)

If the application is for a *permit* to operate a Part A mobile plant (but not for a *variation*, *transfer* or *surrender*) then tick box:

- (a) if the mobile plant is not the subject of a current IPPC permit; or
- (b) if the mobile plant has already been the subject of an IPPC permit (“subsequent application”).

The charge for subsequent applications is the same as the charge for a variation of a permit involving a substantial change.

### F1.2.3 Other

Please tick this box for all other installations not covered by F1.2.1 to F1.2.2 above.

#### Question F1.3

#### Invoice address.

Applicants for *new permits* or *transfers* (the transferee)

should complete this question. *Other applicants* need only complete it if any of the details previously supplied in relation to an IPPC permit require changing.

Please give the details of the contact name and address to which we should send any invoices. We will invoice an applicant or permit holder where:

- we think that a variation application involves a substantial change;
- annual subsistence charges are due (scheme paragraphs 8 – 11).

## Explanatory Notes on Part F of the Application Form (continued)

### Question F1.4

**Components.** If you are making a *transfer*

*application* or *surrender application* you do not need to complete this question. For *all other applications*, you only need to complete this question if any charges applicable to our application fall (in part or in total) in the **components appendix** section of the charging scheme. Each item in the appendix relating to the application should be separately identified. If you are unable to identify any components but are required to have a minimum component allocation of 1 (see scheme appendix paragraph 6), simply enter “1” in the “**Total**” box. If there is not enough room on the Application Form to answer this question, please write “continued” in the box and continue on a separate piece of paper, which should be attached to the form.

The “**Scheme Ref. No.**” is that shown in the “Scheme Ref. No.” column of the appendix.

The “**Description**” should be sufficient to check that the appropriate “Scheme Ref. No.” has been entered. It need not be the whole description as specified in the appendix.

The “**No. of components**” is the number of components given in the appendix. Please note that where the application is for a *variation*, the relevant number of components is the number of components in that part of the installation **affected by** the application. If you are the current holder of an IPC authorisation applying for a permit and qualify for a component cap (see scheme

appendix paragraph 4), please enter the capped number of components in the “**Total**” box if this is different to the number identified in this section and write the word “capped” beside it.

### Question F1.5

**Calculation of charge.**

Please complete this

question to show how you have calculated the amount that you are submitting with your application. *All applicants* should complete this question, although some parts may not be applicable.

#### F1.5.1 Component Charge

“**No. of components**”. If you have completed question F1.4 above, please copy your total number of components from F1.4 into this box. Otherwise, go straight to F1.5.2, except if you are making an *application*, in which case please first complete the “Amount (£)” box as explained below.

“**Charge per component**”. Please enter the appropriate charge per component in the second box. This depends on the type of application (question F1.1) as follows:

**Permit** insert figure from scheme paragraph 5(1)  
**(e.g. £3,880 in 2003/04)**

**Standard** insert figure from scheme paragraph 14(1)

**Variation (e.g. £1,165 in 2003/04)**

“**Amount (£)**”: Where applicable, multiply the number of components by the charge per component and enter the result in the third box, or enter the appropriate flat rate fee.

## Explanatory Notes on Part F of the Application Form (continued)

### F1.5.2 APC Charge

This applies to any activities in the installation which, prior to the requirement for an IPPC permit, would have required a Part B authorisation issued by the Chief Inspector or a Part C authorisation issued by the district council under the Industrial Pollution Control (NI) Order 1997. Complete this section only if you have such activities and are making an application for a permit or variation.

### F1.5.3 Low impact installation

This part should only be completed in respect of an application for a *low impact installation*. Please see scheme paragraph 20 to identify the appropriate figure to enter in this box. There are different charges for different types of applications for low impact installations (e.g. £2,000 for a permit application in 2003/04, £250 for a transfer, etc).

### F1.5.4 Subtotal

Enter the sum of the amounts for F1.5.1 to F1.5.3 in the subtotal box.

### F1.5.5 Less: fee paid for “Original Operation”

If you have ticked box F1.1.1(a), i.e. you are applying for a *permit in a “transitional case”*, enter the amount for which a rebate is being claimed (see scheme paragraph 6). We will validate this claim.

### F1.5.6 Total fee enclosed

Enter the result of deducting F1.5.5 from F1.5.4, i.e. the Subtotal less any fee already paid for “Original Operation”. This total fee you have calculated should be sent with your application.

## F2 Commercial confidentiality and national security

This section allows you to submit a claim for information to be protected as commercially confidential and asks you to tell us if you have applied to the Secretary of State for a direction on national security.

### Question F2.1

#### Commercial

#### Confidentiality.

You have the right to claim that any information contained in or attached to an application is commercially confidential. If you wish to do this, you should tick the “Yes” box in response to this question. You should submit an attachment giving precise reasons to justify any such claim. If possible, please submit the information that you consider to be confidential in a way that will allow it to be removed easily if we agree with your claim. For example, you may submit it on separate pages rather than mixing it with information for which confidentiality is not claimed. You should also mark the information “claimed confidential” where appropriate on the application form or any attachments.

We will consider whether any such claim is justified. We are required to let you know within 28 days of receipt of the application whether or not we agree that the information is confidential, unless we jointly agree a longer period for this decision. If we agree, the application will be placed on the register with the confidential information removed. If we do not agree, you may withdraw the application or appeal to the Planning Appeals Commission. If you do not appeal or withdraw the application within 21 days of our decision on the confidentiality claim, we will place the information on the public register. If you appeal, the information will only be placed on the register, if appropriate, once the appeal has been determined.

## Explanatory Notes on Part F of the Application Form (continued)

The scope for confidentiality claims is limited. Before making one you should read the relevant provisions of the PPC Regulations and the accompanying text in *IPPC: A Practical Guide*.

### Question F2.2

**National security.** You may also claim that your application includes information that needs to be protected for reasons of national security. Any such claim should be submitted for determination by the Secretary of State, who will direct the Chief Inspector. Again, you should look at the PPC Regulations and *IPPC: A Practical Guide* before you make a national security application.

If you believe there is any information in your application that should be kept from the public register for reasons of national security, please **do not write anything on the Application Form that reveals this**. Rather, you should provide details on a separate sheet and attach a copy of the application to the Secretary of State for a national security direction. You should contact us before submitting the application to ascertain who is authorised to receive such information. You should then submit the full application in a sealed package with the name of that person clearly marked upon it.

### F3 Data Protection notice

The person signing the data protection declaration must be one of the signatories to Section F6. In signing the declaration you are confirming that you have ensured that the data protection notice in Section F3 has been brought to the attention of all the individuals named on the form.

The information you give will be used by us to process your application. It will be placed on the relevant public register(s), and used to monitor compliance with licence/permit conditions, or to process renewal applications.

We may also use/or disclose any of the information you give us in order to:

- consult with the public, public bodies and other organisations (for example the Health and Safety Executive for NI, district councils, emergency services, other parts of NIEA) on environmental issues;
- carry out statistical analysis, research and development on environmental issues;
- provide public register information to enquirers;
- investigate possible breaches of environmental law and take any resulting action;
- prevent breaches of environmental law;
- offer/provide you with literature/services relating to environmental matters; and
- assess customer service satisfaction and improve our service.

We may pass on the information to agents/representatives who we may ask to do other things on our behalf.

Individuals have a right to see information we hold about them. We will correct it if it is inaccurate.

## Explanatory Notes on Part F of the Application Form (continued)

### F4 Non-technical summary

You must provide a non-technical summary of your application. This should cover your answers to all the previous questions that are relevant to your application. It should follow the same order in which you have answered the questions, highlighting the main points in language that is understandable by the public. Typically, the non-technical summary for a more complex application should be around 10 pages. Summaries for very simple applications need not be more than one or two pages.

### F5 Any other information

This section of the Application Form provides an opportunity for you to provide any other information that you wish us to take into account in considering your application.

You may attach any information that you consider relevant to your application. You are advised to avoid supplying non-relevant information as it can slow down the determination. Also, any information that you do supply may become part of the permit and, if so, you will need to be able to demonstrate compliance with it on an ongoing basis.

### F6 Declaration

By completing and signing the declaration you certify that the information in your application is correct. We will return unsigned applications.

One or more signatures and associated information should always be provided in the boxes under the heading “**Signature(s) of operator**”. These should be the signatures of the person (or persons) applying to obtain

a permit in the case of a permit application, or the person who already holds the permit in the case of a variation, transfer or surrender. In the case of a transfer, the proposed transferee should not sign here but rather should do so in the next set of boxes under the heading “**Signature(s) of proposed transferee**”. If more than three signatures are required in either case, please attach separate sheets.

Note that it is an offence under Regulation 32 of the PPC Regulations to:

- make a statement which you know to be false or misleading in a material particular;
- recklessly make a statement which is false or misleading in a material particular;

for the purpose of obtaining a permit (for yourself or anyone else).

If you make a false statement:

- you may be liable to prosecution; and

if you are convicted, you are liable to a fine or imprisonment, (or both).

## Submitting your Application

When you have completed your application, please return the Application Form, together with all the supporting information and payment, to the address given on the form. (If you have downloaded the form from the internet, it will not have the address written on it. You can obtain the correct address by telephoning 028 90 569299 or, for specified waste management activities 028 90 569358.

Please submit the original, signed Application Form that you have completed with its supporting attachments, plus an appropriate number of copies of each document. The number of copies required will vary depending on the type of application and the number of statutory consultees. This is shown in the table below. There is a similar table on the last page of the Application Form, which you can use to calculate the number of copies needed. The determination process will be slowed down if enough copies are not submitted, as we must send copies to all of the statutory consultees.

Please note that in the case of a variation application, the responsibility for deciding if any proposed change is substantial rests with the Chief Inspector. Therefore, if you apply for a variation and indicate that you think it may be a substantial change, he might decide that it is not substantial and could then return some copies of the application to you.

Conversely, if you think that a proposed variation is not a substantial change, but the Chief Inspector takes the opposite view, we will ask you for the additional copies required. The same is true if he decides to undertake statutory consultation on a non-substantial change.

Please contact us if you have any questions about the number of copies you should submit. We may under some circumstances be able to accept electronic submission of applications, although this would be rather exceptional at the moment as we need to make sure that all the documents can be read by all the consultees. Please let us know if you would like to discuss this.

## Submitting your Application (continued)

Reason Required	Application for Permit	Application for Variation with Substantial Change ("Yes" to question C1.4)	Application for: (a) Variation with no Substantial Change ("No" to question C1.4); (b) Transfer; (c) Surrender
Original for our determination	✓	✓	✓
Copy for our public register	✓	✓	✓
Copy for Food Standards Agency	✓	✓	x
Copy for District Council public register	✓ (may need more than one copy if on a boundary – question B6.1)	✓ (may need more than one copy if on a boundary – question C6.1)	✓ (may need more than one copy if on a boundary)
Copy for District Council as statutory consultee	✓ (may need more than one copy if on a boundary – question B6.1)	✓ (may need more than one copy if on a boundary – question C6.1)	x
Copy for Health & Social Services Board	✓ (may need more than one copy if on a boundary – question B6.2)	✓ (may need more than one copy if on a boundary – question C6.2)	x
Copy for DRD Water Service	Only if answer to question B6.3 is "Yes"	Only if answer to question C6.3 is "Yes"	x
Copy for NIEA Conservation, Designations and Protection.	Only if answer to question B6.4, B6.5 or B6.6 is "Yes"	Only if answer to question C6.4, C6.5 or C6.6 is "Yes"	x
Copy for Water Management Unit	Only if answer to question B6.7 is "Yes"	Only if answer to question B6.7 is "Yes"	
Copy for DCAL	Only if answer to question B6.8 is "Yes"	Only if answer to question B6.8 is "Yes"	
Copy for Harbour Authority	Only if answer to question B6.9 is "Yes"	Only if answer to question C6.9 is "Yes"	x
Copy for DARD	Only if answer to question B6.10 is "Yes"	Only if answer to question C6.10 is "Yes"	x
Copy for Health and Safety Executive for Northern Ireland	Only if either box ticked in question B6.11	Only if either box ticked in question C6.11	x
Copy for DOE Planning Service	Only if installation includes "specified waste management activities" (answer to question B6.12 is "Yes")	Only if installation includes "specified waste management activities"	x
Copy for Loughs Agency or Waterways Ireland	Only if answer to question B6.13 is "Yes"	Only if answer to question B6.13 is "Yes"	
For specified waste management activity	2 copies	2 copies	2 copies

## Glossary

ASSI	Area of Special Scientific Interest
BAT	Best Available Techniques
BREF	BAT Reference – sectoral notes being produced by the Commission
CCL	Climate Change Levy
CCLA	Climate Change Levy Agreement
COMAH	Control of Major Accident Hazards
EIA	Environmental Impact Assessment
ELV	Emission Limit Value
EQS	Environmental Quality Standard
FAPP	Fit and Proper Person
IPC	Integrated Pollution Control
IPPC	Integrated Pollution Prevention and Control
PPC	Pollution Prevention and Control (the name of the regulations which cover, <i>inter alia</i> , IPPC)
SI	Statutory Instrument
SIC	Standard Industrial Classification.

## ANNEX A – Documents Relevant to IPPC

IPPC operates under the Pollution Prevention and Control (Northern Ireland) Regulations 2003, Statutory Rule (SR 2003/46) (the PPC Regulations). These Regulations have been made under the Environment (Northern Ireland) Order 2002 Statutory Instrument (2002/3153 (N.I. 7)). They are available in hard copy from TSO or free in electronic copy via <http://www.tsonline.co.uk>.

The Department of the Environment's documents *IPPC: A Practical Guide* and *Charging Scheme for Pollution Prevention and Control* and *Pollution Prevention and Control Charging Scheme* are available on request from Environmental Protection Division, telephone number 028 90 547718 or from the NIEA Website <http://www.ni-environment.gov.uk>

Sector guidance is available free of charge for viewing or download from the Environment Agency Website <http://www.environment-agency.gov.uk>. The same information can also be accessed via the SEPA Website <http://www.sepa.org> from the NIEA Website <http://www.ni-environment.gov.uk>

A full listing of all UK SIC codes is available on <http://www.statistics.gov.uk/methods-quality/sic>.

Most titles will also be available in hard copy from The Stationery Office (TSO). Some existing titles are not yet available on the Websites but can be obtained from TSO.

The Stationery Office on-line ordering service can be accessed from the Environment and Heritage Service's Website, or directly via <http://www.tsonline.co.uk>. Alternatively publications can be ordered from:

- TSO Publications Centre (mail, fax and telephone orders only)  
PO Box 276, London SW8 5DT  
Telephone orders: 0870 600 5522 (all major credit cards accepted) Fax orders: 0870 600 5533
- Belfast, 16 Arthur Street, BT1 4GD Tel: 028 9023 8451 Fax: 028 9023 5401
- Also available from TSO's accredited agents – see Yellow Pages – and from some booksellers.

## ANNEX B – Advertising Your Application

If you are required to advertise an application for public consultation, you must do so by placing advertisements in a local newspaper and the Belfast Gazette. The time periods for placing advertisements are:

- for an application for a permit:
  - 1) within a period of 28 days beginning 14 days after the day on which the application is made where there are no matters of commercial confidentiality or national security to be “disposed of” (this term is defined in the PPC Regulations); or
  - 2) within a period of 28 days beginning 14 days after the day on which any matters of commercial confidentiality or national security are “disposed of”;
- For an application for a variation:
  - 1) within 28 days beginning on the day that we notify you of the requirement to advertise, where there are not matters of commercial confidentiality or national security; or
  - 2) within a period of 28 days beginning 14 days after the day on which any matters of commercial confidentiality or national security are “disposed of”.

The advertisement should give a clear picture of the main details of the application in a way that is understandable to the public. The precise requirements for advertising are specified by the PPC Regulations. Broadly, each advertisement must:

- state the name of the applicant;
- state the address of the installation;
- describe briefly the activities in Part 1 of Schedule 1 to the PPC Regulations to be carried out in the installation and, in the case of an application for a variation, describe the change in the operation of the installation that would be authorised.;
- state that the application describes any foreseeable significant environmental effects;
- state where any register which contains particulars of the application may be inspected and that it may be inspected free of charge;
- explain that any person may make representations in writing to the Regulator within the period of 42 days beginning with the date of the advertisement and give the Regulator’s address (you may need to contact us to obtain this information); and
- explain that any such representations made by any person will be entered in a public register unless that person requests in writing that they should not be so entered, and that where such a request is made there will be included in the register a statement indicating only that representations have been made which have been the subject of such a request.

The local newspaper should be registered with the Post Office and available on demand at local newsagents. The address and telephone number of the Belfast Gazette is:

16 Arthur Street, Belfast, BT1 4GD  
Telephone number 028 90 895135

You should word your advertisement carefully and check copies of the editions the advertisements appear in. If there is any mistake, you may have to re-advertise – this can be time consuming and expensive. (See example below) To prove that you have publicised your application, we will need to see the complete page of the local newspaper where the advertisement appeared. *We need to see originals, not copies.* We need the complete page so as to confirm the date, and may sometimes ask to see the complete newspaper.

**Sample Advertisement**

**Public Notice**

**PUBLIC NOTIFICATION OF AN APPLICATION MADE UNDER REGULATION 10  
OF  
THE POLLUTION PREVENTION AND CONTROL (NORTHERN IRELAND) REGULATIONS 2003  
INTEGRATED POLLUTION PREVENTION AND CONTROL**

Notice is hereby given that "name of applicant" has applied to the Chief Inspector for an Integrated Pollution Prevention and Control (IPPC) permit to operate an installation involving the "brief description of activities in Part 1 of Schedule 1 of the Regulations to be carried out". The installation is located at "site address" in the District of "Name of District" in the County of "Name of County".

The application contains a description of any foreseeable significant effects of emissions from the installation on the environment.

Information relating to the above IPPC application for a permit to operate the "name of installation" is held in registers at the following locations:

Northern Ireland Environment Agency  
Land and Resource Management  
Klondyke Building  
Gasworks Business Park  
Cromac Avenue  
Belfast BT7 2JA

And

"Relevant District Council and Address"

Members of the public can inspect these registers free of charge at the above stated addresses during normal office hours. In addition, members of the public who wish to obtain a copy of the relevant information contained in the registers can do so upon the payment of a reasonable charge to cover the costs of copying.

Any objections or representations to the above IPPC application should be made in writing to the Chief Inspector at the address below, within 42 days from the date of this public notice.

Northern Ireland Environment Agency  
Land and Resource Management  
Klondyke Building  
Gasworks Business Park  
Cromac Avenue  
Belfast BT7 2JA

Any such objections or representations will be entered into a public register unless the person making them requests in writing that they should not be so placed. If there is such a request, the register will only include a statement that there has been such a request.