

The Pollution Prevention and Control (District Councils) Charging Scheme (Northern Ireland) 2013

DEPARTMENT OF THE ENVIRONMENT

1 APRIL 2013

A CHARGING SCHEME MADE UNDER REGULATION 25 OF THE POLLUTION PREVENTION AND CONTROL (INDUSTRIAL EMISSIONS) REGULATIONS (NORTHERN IRELAND) 2012 IN RESPECT OF PERMITS GRANTED UNDER THOSE REGULATIONS



Department of the
Environment

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THE POLLUTION PREVENTION AND CONTROL (DISTRICT COUNCILS) CHARGING SCHEME (NORTHERN IRELAND) 2012

The Department of the Environment, in exercise of the powers conferred on it by Regulation 25 of The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2012, makes the following charging scheme.

Citation and commencement

1. This charging scheme may be cited as The Pollution Prevention and Control (District Councils) Charging Scheme (Northern Ireland) 2013 and shall come into operation on 1st April 2013. This scheme supersedes The Pollution Prevention and Control (District Councils) Charging Scheme (Northern Ireland) 2012.

Interpretation

1.

- (1) In this scheme, unless the contrary intention appears:

“activity” means any activity carried on as part of a Part C installation whether or not described in Schedule 1 to the Regulations, and in a case where an activity falls within two or more descriptions in Schedule 1 to the Regulations, that activity shall be regarded for the purposes of this scheme as falling within that description which fits it most aptly;

“permit” means a permit granted under Regulation 10 of the Regulations;

“the Department” means the Department of the Environment; and

“the Regulations” means The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2012 and expressions used in this charging scheme shall have the same meaning as in the Regulations.

- (2) For the purposes of this scheme references to “installation” or “Part C installation” shall be taken to include references to “mobile plant” or “Part C mobile plant”, unless the contrary intention appears, and where the context requires shall mean only that part of the installation which is the subject of the permit or the application for a permit.

2.

- (1) Subject to paragraph (4), references to the number of Part C activities to which a permit relates means the number of Part C activities which are carried out in the installation.

- (2) Where an installation carries out two or more Part C activities then, for the purpose of paragraph (3) –

- (a) in so far as those activities fall within the same Section of Part 1 of Schedule 1 to the Regulations, they shall be treated as a single activity;
- (b) in so far as the same operator carries out at the same location two or more of the Part C activities mentioned in the same head below and described by reference to the provisions of Part 1 of Schedule 1 to the Regulations, they shall be treated as a single activity –
 - (i) Section 2.1 (Ferrous Metals) and Section 2.2 (Non-Ferrous Metals);
 - (ii) Section 3.1 (Production of Cement and Lime) and Section 3.5 (Other Mineral Activities);
 - (iii) Section 3.5 (Other Mineral Activities) and Section 3.6 (Ceramic Production);
 - (iv) Section 6.4 (Coating Activities, Printing and Textile Treatments) and Section 6.5 (The Manufacture of Dyestuffs, Printing Ink and Coating Materials);
 - (v) Section 6.6 (Timber Activities) and Section 5.1 (Incineration and Co-incineration of Waste) in so far as it relates to any activity for the burning of waste wood.
- (c) in so far as the same operator carries out at the same installation one or more of the activities specified in Section 7 of Part 1 of Schedule 1 to the Regulations (Solvent Emission Directive Activities) together with one or more of the Part C activities mentioned in the heads below and described by reference to the provisions of Part 1 of Schedule 1 to the Regulations, they shall be treated as a single activity –
 - (i) Section 2.2 (Non-Ferrous Metals);
 - (ii) Section 2.3 (Surface Treating Metals and Plastic Materials);
 - (iii) Section 6.4 (Coating Activities, Printing and Textile Treatments);
 - (iv) Section 6.5 (The Manufacture of Dyestuffs, Printing Ink and Coating Materials);
 - (v) Section 6.7 (Activities Involving Rubber); and
 - (vi) Section 6.8 (The Treatment of Animal and Vegetable Matter and Food Industries).
- (d) in all other cases where Part C activities fall within different Sections of Part 1 of Schedule 1 to the Regulations they shall be treated as separate activities.

Application

3.This scheme applies to:

- (1) an application made on or after 1st April 2013 under regulation 10(1) of the Regulations for a permit to carry on a Part C installation;
- (2) the subsistence of a permit to carry on a Part C installation;
- (3) the variation of the conditions of a permit to carry on a Part C installation; and

(4) an application made on or after 1st April 2013 under regulation 20 of the Regulations for the transfer, in whole or in part, of a permit to carry on a Part C installation to another person.

Permit application charge

4.A permit application charge must accompany every application for a new permit.

5.

(1) Except in the cases described in paragraph (2), the permit application charge shall be £1,592 multiplied by the number of activities carried out in the installation.

(2) In the case of an application relating to an activity described only in –

- (a) paragraph (b) of Part C of Section 1.2 of Part 1 of Schedule 1 to the Regulations, or
- (b) the table in Part C of Section 7 of Part 1 of Schedule 1 to the Regulations as “dry cleaning”,

the application fee shall be £153.

(3) In the case of an application relating to an activity described in paragraph (b) of Part C of Section 6.4 of Part 1 of Schedule 1 to the Regulations which relates to the carrying out of vehicle refinishing activities consisting of the coating of road vehicles as defined in article 1 of the Directive 70/156/EEC¹, or part of them, carried out as part of vehicle repair, conservation or decoration outside of the manufacturing installations, the application fee shall be £274.

(4) In the case of an application relating to an activity described in paragraph (b) of Part C of Section 1.2 of Part 1 of Schedule 1 of the Regulations, where an activity described in either paragraphs (c), (d) or (e) of Part C of Section 1.2 of Part 1 of Schedule 1 to the Regulations takes place on the same site, the application fee shall be £270.

(5) In the event of an application for a permit being withdrawn, no refund of the application fee will be made.

Annual subsistence charges

6.An annual subsistence charge shall be payable in respect of the subsistence of a permit to operate a Part C installation on the date of coming into effect of the permit; and on each first day of April thereafter.

7.Subject to Article 8, the annual subsistence charge for each Part C activity authorised by the permit, shall be as set out below, where “low risk”, “medium risk” and “high risk” are categorised in accordance with the methodology and have the meanings set out in Annex XVIII of the General Guidance Manual;

¹ COUNCIL DIRECTIVE 70/156/EEC OF 6 FEBRUARY 1970 ON THE APPROXIMATION OF LAWS OF THE MEMBER STATES RELATING TO THE TYPE-APPROVAL OF MOTOR VEHICLES AND THEIR TRAILERS, OJ L 23/02/1970, PAGES 1 TO 15

- (1) In the case of a low risk installation the fee shall be £735;
- (2) In the case of a medium risk installation the fee shall be £1073; and
- (3) In the case of a high risk installation the fee shall be £1411.

8.

- (1) In the case of an activity described in –
 - (a) paragraph (b) of Part C of Section 1.2 of Part 1 of Schedule 1 to the Regulations, or
 - (b) the table in Part C of Section 7 of Part 1 of Schedule 1 to the Regulations as “dry cleaning”,the subsistence charge shall be £153.

(2) In the case of an activity described in paragraph (b) of Part C of Section 6.4 of Part 1 of Schedule 1 to the Regulations which relates to the carrying out of vehicle refinishing activities consisting of the coating of road vehicles as defined in article 1 of the Directive 70/156/EEC¹, or part of them, carried out as part of vehicle repair, conservation or decoration outside of the manufacturing installations, the subsistence charge shall be £274.

(3) In the case of an application relating to an activity described in paragraph (b) of Part C of Section 1.2 of Part 1 of Schedule 1 of the Regulations, where an activity described in paragraph (c), (d) or (e) of Section 1.2 of Part 1 of Schedule 1 to the Regulations takes place on the same site, the subsistence fee shall be £237.

9. In the case of a permit coming into effect after the start of the financial year (1st April), the subsistence charge for that year shall be the annual subsistence charge as provided by article 7 of this scheme adjusted pro rata to the period beginning with the 1st day of the month following the permit coming into effect and ending on the last day of March following.

Additional fees for operating without a permit

10. Where an operator has been operating an installation without a permit in contravention of regulation 9, he or she must pay the following fee when he or she submits an application for a permit, in addition to the fee payable in article 5.

- (1) £74, in the case of an application for a permit authorising any reduced fee activity;
- (2) £1248, in the case of an application for a permit authorising any other Part C activity.

Variation charges

11. A variation charge shall be payable where the enforcing authority serves on the operator a notice under paragraphs 5(3)(a) or 12(3)(a) of Schedule 7 to the Regulations.

12.

- (1) Except in the cases described in paragraph (2), the variation charge shall be £1017.

(2) In the case of an activity described in –

- (a) paragraph (b), (c), (d) or (e) of Part C of Section 1.2 of Part 1 of Schedule 1 to the Regulations;
- (b) the table in Part C of Section 7 of Part 1 of Schedule 1 to the Regulations as “dry cleaning”; or
- (c) paragraph (b) of Part C of Section 6.4 of Part 1 of Schedule 1 to the Regulations which relates to the carrying out of vehicle refinishing activities consisting of the coating of road vehicles as defined in article 1 of the Directive 70/156/EEC¹, or part of them, carried out as part of vehicle repair, conservation or decoration outside of the manufacturing installations,

the variation charge shall be £100.

Transfer charges

13. A transfer charge shall accompany an application to transfer, in whole or in part, a permit for a Part C installation, made under regulation 18 of the Regulations.

Transfer of whole

14.

(1) Except in the cases described in paragraph (2), the transfer charge for an application to transfer the whole of a permit shall be £158.

(2) In the case of an activity described in –

- (a) paragraph (b), (c), (d) or (e) of Part C of Section 1.2 of Part 1 of Schedule 1 to the Regulations;
- (b) the table in Part C of Section 7 of Part 1 of Schedule 1 to the Regulations as “dry cleaning”, or
- (c) paragraph (b) of Part C of Section 6.4 of Part 1 of Schedule 1 to the Regulations which relate to the carrying out of vehicle refinishing activities consisting of the coating of road vehicles as defined in article 1 of the Directive 70/156/EEC¹, or part of them, carried out as part of vehicle repair, conservation or decoration outside of the manufacturing installations,

the transfer charge shall be £17.

Transfer of part

15.

(1) Except in the cases described in paragraph (2), the transfer charge for an application to transfer part of a permit shall be £475.

(2) In the case of an activity described in –

- (a) paragraph (b), (c), (d) or (e) of Part C of Section 1.2 of Part 1 of Schedule 1 to the Regulations;
- (b) the table in Part C of Section 7 of Part 1 of Schedule 1 to the Regulations as “dry cleaning”, or
- (c) paragraph (b) of Part C of section 6.4 of Part 1 of Schedule 1 to the Regulations which relates to the carrying out of vehicle refinishing activities consisting of the coating of road vehicles as defined in article 1 to the Directive 70/156/EEC¹, or part of them, carried out as part of vehicle repair, conservation or decoration outside of the manufacturing installations,

the transfer charge shall be £47.

Late payment fee

16. Where an operator fails to pay an invoice from the regulatory authority within 8 weeks from the time the invoice is issued, the regulatory authority may charge a fee of £50, in addition to the fee payable in the invoice.

Reduced subsistence charge

17.

(1) The operator of an installation or mobile plant may apply to the enforcing authority to pay the subsistence charge at a reduced rate (in this Part, referred to as the “reduced subsistence charge”).

(2) The reduced subsistence charge shall be forty per cent (40%) of the full subsistence charge.

(3) The reduced subsistence charge is payable by the operator if, without surrendering its permit:

- (a) it carries on the Part C activity below the relevant threshold requiring a permit; or
- (b) it has temporarily ceased carrying on the Part C activity but will preserve the necessary equipment in order to resume carrying on that activity at a future date; and
- (c)
 - (i) the circumstances set out in article 17(3)(a) or (b) above subsist for at least 12 months; and
 - (ii) there is no breach of condition in the permit which, in the enforcing authority’s opinion, may result in a significant negative effect on human beings or the environment,
- (d) ((a) or (b), and (c) shall be referred to as the “qualifying criteria”).

(4) If the enforcing authority accepts that the qualifying criteria are satisfied, it shall notify the operator in writing that it may pay the reduced subsistence charge.

(5) Provided the qualifying criteria apply, the reduced subsistence charge applies in respect of a period of up to 36 months from the date of the enforcing authority's acceptance notice.

(6) The operator must notify the enforcing authority immediately in writing if the qualifying criteria no longer apply.

(7) If the qualifying criteria cease to apply within 12 months from the date of the acceptance notice, the operator shall repay to the enforcing authority:

(a) for the period it has benefited from the reduced subsistence charge, the difference between the full subsistence charge the operator would have paid (had it not satisfied the qualifying criteria) and the reduced subsistence charge actually paid; and

(b) a £50 administration fee.

(8) At least 24 months must elapse from the expiry of a period of reduced subsistence charge (whether for 24 months or less) before another application in respect of the same installation or mobile plant may be made for a further period of reduced subsistence charge.

Surrender of a permit

18.A notification under regulation 20 of the Regulations to surrender all or part of a permit authorising the operation of one or more Part C installations or Part C mobile plant shall not give rise to a fee.

Payments

19.Any fees or charges payable under this scheme shall be paid to the relevant enforcing authority.

Sealed with the Official Seal of the Department of the Environment on 25 March
2013

Wesley Shannon

A Senior Officer of the Department of the Environment

(L.S.)

2013/14 Fees and Charges

Type of charge	
Permit Application Charges	
Standard Charge	£1592 per activity
Reduced Charge for certain activities	£153 per activity
PVR I and II combined	£270
Vehicle Refinishers	£274
Standard Subsistence Charges	
Low	£735 per activity
Medium	£1073 per activity
High	£1411 per activity
Reduced Subsistence Charge for certain activities	£153
PVR I and II combined	£237
Vehicle Refinishers	£274
Variation Charges	
Standard Charge	£1017
Reduced Charge for certain activities	£100
Transfer Charges	
-Transfer of whole permit	
Standard Charge	£158
Reduced Charge for certain activities	£17
-Transfer of part permit	
Standard Charge	£475
Reduced Charge for certain activities	£47
Additional fee for operating without a permit	
Standard Charge	£1248
Reduced Charge for certain activities	£74
Late Payment Fee	£52