EXPLANATORY MEMORANDUM TO

POLLUTION PREVENTION AND CONTROL (INDUSTRIAL EMISSIONS) REGULATIONS (NORTHERN IRELAND) 2013

SR No. 160

Introduction

This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule which is laid before the Northern Ireland Assembly.

The Statutory Rule is made under Article 4(1) of the Environment (Northern Ireland) Order 2002 and is subject to the draft affirmative resolution procedure.

Purpose

These Regulations transpose Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (Recast).

Background

Directive 2010/75/EU entered into force on 17 December 2010 and must be transposed into national legislation no later than 6 January 2013.

The aim of the Industrial Emissions Directive (IED) is to achieve a high level of protection for the environment from harmful effects of industrial activities. The Directive is a Recast of seven existing Directives: those concerning integrated pollution prevention and control; large combustion plants; waste incineration; solvent emissions and three concerning waste from the titanium dioxide industry.

As a Recast, the IED contains large amounts of text either completely unchanged from the component directives or adapted from them without substantial change. However, a small number of changes have been assessed by the Department as having impacts on industries in Northern Ireland that would not have occurred under the current implementation of the component Directives:-

(a) changes to minimum requirements in respect of emission limit values applied to large combustion plants, with particular significance for the electricity supply industry;

(b) placing integrated pollution prevention and control (IPPC) requirements upon-

- more waste treatment activities;
- wood preservation activities;
- independently operated waste water treatment works serving only industrial activities subject to the IED; and

(c) clarification of the application of IPPC to installations producing foodstuffs from a mixture of animal and vegetable materials.

In the interests of clarity, the Department is taking this opportunity to revoke 18 sets of existing regulations relating to industrial emissions and to consolidate all the provisions of the IED into a single set of regulations.

Consultation
A public consultation took place between the 18 April 2012 and 12 June 2012. A total of 4 substantive responses and 1 nil response were received. The general response was positive with all respondees welcoming the method of transposition and the proposed changes.

Equality Impact
There are no equality issues associated with these Regulations.

Regulatory Impact
An Impact Assessment was carried out in Northern Ireland and concluded that the majority of the costs arise from the more stringent emission limit values on certain pollutants from Large Combustion Plants (LCP), although the costs for any individual LCP operator will vary depending on whether they take up the limited life derogation, partake in the Transitional National Plan, or choose to cease operating.

Financial Implications
The introduction of the IED into the UK as a whole is estimated to have a present value of £4,975M with the costs estimated to be £2,054M and the benefits accruing estimated to be £2,921. Compared to the UK overall, the numbers of industrial installations captured by the IED in Northern Ireland is relatively small. However the benefit to Northern Ireland has been calculated on a pro rata basis to be £177.6M, with a cost of £73.3M and a net benefit of £104.3M.

Section 24 of the Northern Ireland Act 1998
The Statutory Rule complies with the provisions set out in Section 24.

EU Implications
The Statutory Rule transposes Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (Recast).

Parity or Replicatory Measures
Similar measures have been taken in England and Scotland to amend their corresponding legislation.

Additional Information
Not applicable**.**