



| | |
|---------------------------|---|
| Subject: | DAERA NI Consultation on the transposition of the Medium Combustion Plant Directive including the regulation of thermal electricity generators. |
| Date: | 12 th September 2017 |
| Reporting Officer: | Nigel Grimshaw, Director City & Neighbourhood Services Department |
| Contact Officer: | Stephen Leonard, Environmental Health Manager |

| | |
|--|---|
| Restricted Reports | |
| Is this report restricted? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| If Yes, when will the report become unrestricted? | |
| After Committee Decision | <input type="checkbox"/> |
| After Council Decision | <input type="checkbox"/> |
| Some time in the future | <input type="checkbox"/> |
| Never | <input type="checkbox"/> |

| | |
|--|---|
| Call-in | |
| Is the decision eligible for Call-in? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

| | |
|------------|---|
| 1.0 | Purpose of Report or Summary of Main Issues |
| 1.1 | Members will note that the Department for Agriculture, Environment and Rural Affairs (DAERA) has recently consulted on the transposition of the Medium Combustion Plant (MCP) Directive into Northern Ireland legislation with a view to regulating emissions from this type of plant. |
| 1.2 | DAERA has proposed that the permitting of qualifying MCP installations will be via an amendment to the Pollution Prevention and Control (Industrial Emissions) Regulations NI 2013. At present, the City Council regulate Part C industrial premises under this legislation whereas the Northern Ireland Environment Agency regulates Part A & B industrial |

| | |
|------------|---|
| | premises. |
| 2.0 | Recommendations |
| 2.1 | <p>The Committee is asked to;</p> <ul style="list-style-type: none"> Consider this report and to recommend the submission of the appended draft consultation response to DAERA. |
| 3.0 | Main Report |
| | <u>Key Issues</u> |
| 3.1 | <p>The Committee is advised that the DAERA MCP consultation commenced from 21st June 2017 and concluded on 16th August 2017. Given the tight turnaround time for submission the council's proposed consultation response was unable to be considered by the People and Communities Committee and by council ahead of the submission deadline. Officers did request an extension to allow for committee consideration of the draft response. However, DAERA was unable to grant an extension to the consultation deadline.</p> |
| 3.2 | <p>Accordingly, in submitting a draft response to DAERA on 16th August 2017, the Department was advised that the council's consultation response would be considered by the People and Communities Committee at its next scheduled meeting on 12th September 2017 and then by council at its meeting on 2nd October 2017.</p> |
| 3.3 | <p>For these reasons, DAERA was advised further that Belfast City Council's consultation response should be regarded as being in draft format and that the council would advise the Department of any revisions in due course.</p> |
| 3.4 | <p>The transposition and implementation of the Directive will be achieved through the Pollution, Prevention and Control Regime. It is noted however, that no guidance has as yet been developed or issued by the Department with regard to the implementation of this legislation. Accordingly, the council's consultation response indicates that officers will seek to engage with DAERA regarding this matter and that the council has requested that appropriate training be provided to officers well in advance of the legislation being implemented.</p> |
| 3.5 | <p>DAERA in its consultation has estimated that there may be up to 1,200 qualifying installations across Northern Ireland although the locations of these installations have not yet been established. In our response, we have therefore noted that no scoping of the</p> |

| | |
|------------|---|
| | <p>locations of the installations has been undertaken as part of the consultation process or the accompanying regulatory impact assessment and that it is therefore impossible at this stage to know how many of these installations will be located within the Belfast City Council boundary. We have recommended therefore that DAERA engages fully with all councils in order to identify the numbers and locations of the various plants to be permitted and in the setting of permit fees in order to ensure that councils are not financially disadvantaged as a result of the introduction of this legislation.</p> <p>3.6 As a further point, we have recommended to DAERA that costs should not relate only to the ongoing permitting process but they should also take into consideration local authority costs and resources associated with the introduction of this legislation. It is anticipated that there will be staff resources associated with identifying and permitting of qualifying plant and ensuring compliant abatement equipment is being used.</p> <p>3.7 With no fee structure yet established, the income to council for this function is unknown. Accordingly, we have advised in our response that the council should not be financially disadvantaged though the introduction of this legislation.</p> <p><u>Financial & Resource Implications</u></p> <p>3.8 The introduction and implementation of these regulations would place an additional duty on to local Councils. It is important that the setting of fees are sufficient to ensure this new duty does not place a financial burden on Councils.</p> <p><u>Equality & Good Relations Implications</u></p> <p>3.9 It is considered that there are no relevant equality or good relations considerations associated with this report.</p> |
| 4.0 | Appendices – Documents Attached |
| | Appendix 1 – Belfast City Council draft consultation response: transposition of the Medium Combustion Plant Directive including the regulation of thermal electricity generators. |