

Fees and Charges to Recover the Cost of Processing Discharge Consent Applications and the Regulation of Discharges under the Water (Northern Ireland) Order 1999

Department of the Agriculture, Environment and Rural Affairs

There are two schemes of fees and charges contained in this document namely:-

Section 1

A scheme of fees and charges to recover the cost of processing discharge consent applications and the monitoring of discharges to waterways and underground strata. This scheme relates to domestic and industrial discharge consents.

Section 2

Fees and charges in respect of costs associated with the regulation of discharges made by Northern Ireland Water – Scheme no 1. This scheme relates to utility discharge consents under the responsibility of Northern Ireland Water (NIW).

SECTION 1

Water (Northern Ireland) Order 1999

**A Scheme of Fees and Charges to Recover the Cost of Processing
Discharge Consent Applications and the Monitoring of
Discharges to Waterways and Underground Strata**

Department of the Agriculture, Environment and Rural Affairs

1 April 2021

DEPARTMENT OF THE AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

A SCHEME OF FEES AND CHARGES TO RECOVER THE COST OF PROCESSING DISCHARGE CONSENT APPLICATIONS AND THE MONITORING OF DISCHARGES TO WATERWAYS AND UNDERGROUND STRATA

The Discharge of Effluent into Waterways and Underground Strata (Fees and Charges) Scheme (Northern Ireland) 2021

The Department of the Agriculture, Environment and Rural Affairs in exercise of the powers conferred on it by Article 11(1), (2) and (4) of the Water (Northern Ireland) Order 1999 (a) and of every other power enabling it in that behalf and in accordance with Article 11 (5), (6) and (7) of that Order, hereby, makes the following scheme.

Citation and commencement

1. This scheme may be cited as the Discharge of Effluent into Waterways and Underground Strata (Fees and Charges) Scheme (Northern Ireland) 2021 and shall come into operation on 1 April 2021.

Interpretation

2. In this scheme:

“application for a discharge consent” means an application for a consent under paragraph 1 of Schedule 1 to the Order;

“application for a variation of a discharge consent” means an application by the consent holder for the variation of a consent under paragraph 7 of Schedule 1 to the Order.

“discharge consent” means a consent given or served by the Department for the purposes of Article 7 of the Order;

“the Department” means the Department of the Agriculture, Environment and Rural Affairs;

“the Department’s compliance assessment monitoring programme” means the monitoring programme prepared by the Department listing the discharges which are subject to monitoring, sampling, assessment, inspection or audit by the Department which may be varied from time to time;

“discharge” means a discharge of an effluent;

“discharger” means any person who makes a consented discharge during the year;

“domestic sewage” in relation to any premises, means –

(a) the contents of lavatories; and

(b) water which has been used for cooking or washing necessary for human health or hygiene, not being water used for the business of a laundry or for a business of preparing food or drink;

“effluent” means any liquid, either with or without particles of matter in suspension therein”

“the Order” means the Water (Northern Ireland) Order 1999;

(A) S.I.1999/662 (N.I.6)

“organic nature” means effluent with Biochemical Oxygen Demand and/or Chemical Oxygen Demand limits;

“year” means a period of 12 months commencing on 1 April.

Other expressions used in this scheme and the Order have the same meaning as in the Order.

Application Fees and Annual Charge Factor for Industrial Discharges

3. (1) (a) Except in the case described in paragraph 4 (1)(b) and (c) the standard application fee shall be £1088; and

(b) The reduced application fee shall be:-

£292 for single domestic dwellings discharging to a waterway;

£117 for single domestic dwellings discharging to an underground stratum;

£292 for a review of existing consent for a single domestic dwelling discharging to a waterway;

£117 for a review of existing consent for a single domestic dwelling discharging to an underground stratum;

£292 for a sewage discharge from non-domestic premises with a daily discharge volume not exceeding one cubic metre;

£138 for categories set out at 4 (1) (b) and (c) below;

(c) Where the consents process allows and the application involves more than one dwelling served by a septic tank then the cost will be multiplied by the number of dwellings up to a maximum of £1088.

(2) The annual charge financial factor shall be £534.

(3) The fee for transfer of an existing consent shall be £58 – payable by the acquiring person or company.

Application fees

4. (1) For each application for a discharge consent, or application for a variation of a discharge consent, there shall be payable by the person making the application and where consent is given under paragraph 4 of Schedule 1 of the Order, by the person on whom consent has been served:

(a) the standard application fee except as provided in sub-paragraph (b) or (c);

(b) the reduced application fee where an application is in respect of:

(i) site drainage;

(ii) an emergency overflow of sewage from a pumping station; or

(c) the reduced application fee – where the application for review of a consent is not considered to reflect a significant change.

(2) Where an application relates to more than one effluent, a fee shall be payable for each discharge for which consent is required.

Annual charge

5. (1) Subject to sub-paragraph (4) there shall be payable, annually, by each discharger in respect of each discharge consent which is inspected and/or sampled under the Department's compliance assessment monitoring programme. This charge is the product of the following three factors related to the discharge consent under which the discharge is made:-
- a. The volume factor
 - b. The contents factor
 - c. The financial factor

There is currently no difference with regard to whether a discharge is to a waterway or to the underground stratum.

- (2) (a) Subject to sub-paragraph (b), where a discharge consent authorises the discharge of more than one effluent, a charge is made for each such effluent monitored, whether or not they are discharged together or from one or more outlets.
- (b) Where effluents receive treatment together, or having joined together are then monitored together by the Department prior to discharge, or where effluents are of the same nature and the monitoring of any one or more of them is the means by which the Department monitors them all, subject to sub-paragraph (c), one charge only is made, determined according to the highest contents band into which any of the constituent effluents fall, and according to their aggregated volume.
- (c) Where an effluent is discharged to more than one waterway, a charge is made for each of the discharges to the respective waterways.
- (3) (a) Where a condition of a discharge consent restricts a discharge from taking place for part of the year, then the amount payable is calculated by apportioning the annual charge pro-rata to the period during which the discharge is permitted.
- (b) Subject to sub-paragraph (a), no reduction in charges is made where a discharge is made in part or parts of the year under a discharge consent which is in force for the whole of the year.
- (4) If a discharge consent is reviewed during the year, the factors will be re-assessed for the remainder of the year and, where appropriate, the annual charge adjusted.
- (5) If a discharge consent is added to the Department's consent compliance programme, or revoked, during the year the amount payable is calculated by apportioning the charge for the year pro-rata to the period during which the consent is in force.
- (6) (a) If, before the start of the charging year, a discharger undertakes to monitor discharges under a discharge consent in such a manner as, in the Department's view, will enable the Department's monitoring costs to be reduced, the Department will make a reduction to the charge for the year having regard to consequent reduction in its costs.
- (b) The Department may at any time make a charge as provided under the Scheme without an abatement, if the discharger fails to monitor in accordance with such an undertaking.
- (c) Where a discharger proposes to first make a consented discharge after the start of the charging year, an undertaking may be given at any time before the discharge commences.

The Factors

Volume factor

6. (1) The volume factor relates to the maximum daily volume of discharge permitted by the discharge consent as follows:

	Cubic Metres per day		Cubic Metres per day	Volume Factor
		up to/less than	5	0.3
Equal to, or more than	5	up to and including	20	0.5
More than	20	up to and including	100	1.0
More than	100	up to and including	1,000	2.0
More than	1,000	up and including	10,000	3.0
More than	10,000	up to and including	50,000	5.0
More than	50,000	up to and including	150,000	9.0
More than	150,000			14.0

(2) Where the discharge consent is in relation to a river based fish farm, which involves the regular feeding of the fish; - the volume factor is 1.0.

(3) Subject to paragraph (4) and (5), where no maximum daily volume is fixed by a discharge consent, the volume factor is 1.0 except where the discharge is:

- (i) permitted by the discharge consent in relation to a storm or emergency discharge at treatment works or pumping stations – the volume factor is 0.3; or
- (ii) permitted by the discharge consent on not more than 4 occasions per year, e.g. in the case of a swimming pool emptying discharge; the volume factor is 0.3.

(4) For sewage treatment works final effluent:

- (i) the maximum daily volume is the flow to full treatment;
- (ii) where no maximum daily volume is specified in the discharge consent, but an average daily flow is given, the daily maximum volume shall be taken to be 2.4 times the average daily flow;
- (iii) if a dry weather flow only is specified in the discharge consent, the daily maximum volume shall be taken to be 3 times dry weather flow.

(5) For trade effluents:

- (i) the maximum daily volume is the flow to full treatment;
- (ii) where no maximum daily volume is specified in the discharge consent, but a daily dry weather flow is given, this shall be taken to be the maximum daily volume except where the discharge may contain rainfall, when;

(iii) the maximum daily volume shall be taken to be 3 times the daily dry weather flow.

Contents factor

7. The contents factor relates to the provisions in the discharge consent controlling or regulating the contents of the discharge as follows:

Band	Factor	Band	Factor
A	14.0	E	1.0 Site drainage
B	5.0	F	0.5
C	3.0 Sewage	G	0.3
D	2.0		

Band A

8. Trade or sewage effluent:

(1) Where the discharge consent conditions contain numeric conditions for any of the following substances excluding any condition for total oil and/or grease:

- pesticides including organotins
- fungicides
- herbicides
- polyhalogenated biphenyls
- polynuclear aromatic hydrocarbons
- aliphatic hydrocarbons
- aromatic hydrocarbons
- halogenated organic compounds including haloforms
- alcohols with the exception of methanol, ethanol, butanols, and propanols, or glycols (including total and poly)
- aromatic nitrogen compounds
- phenolic compounds (with the exception of total and mono hydric phenols)
- heterocyclic compounds
- esters
- ethers
- ketones
- aldehydes (with the exception of formaldehyde)

(2) Where the discharge consent conditions include viruses.

(3) Where the discharge consent conditions specify the need for toxicity tests other than rapid bacterial toxicity tests to determine compliance.

Band B

9. Except where the discharge consent falls in Band A – trade or sewage effluent:

(4) Where the discharge consent conditions contain numeric conditions for any of the following substances:

- metals and metalloids
- cyanides
- sulphides
- phenolic compounds (total and monohydric)
- methanol
- ethanol
- butanols
- propanols
- glycols (including total and poly)
- carboxylic acids
- organic nitrogen compounds (other than those above and in Band A and with the exception of urea and quaternary ammonium salts).

(5) Where the discharge consent conditions specify rapid bacterial toxicity tests to determine compliance.

(6) Where discharge consent conditions include bacteria.

Band C

10. Except where the discharge consent falls in Bands A or B.

(7) Sewage effluent with numeric conditions (other than volume) but not including effluents specified in Band E in relation to paragraph 12(2).

(8) Trade effluent of an organic nature with numeric conditions other than those included in Band E in relation to paragraph 12(2).

Band D

11. Except where the discharge consent falls in Band A, B or C:

(9) Sewage effluent with no numeric conditions other than volume or only descriptive conditions other than those effluents specified in Band E in relation to paragraph 12(2).

(10) All other discharges of trade effluents other than those specified in Bands E, F and G.

Band E

12. Except where the discharge consent falls in Band A, B, C or D:

- a. Site drainage from trade premises, e.g, cement and concrete product manufacturing operations – including site drainage incorporating effluent from a ‘drive-through’ wheel bath.
- b. Storm and emergency discharges at treatment works, pumping stations and from drainage systems.
- c. All trade effluents of direct cooling water or boiler blow-down, other than those specified in Band G.
- d. All trade effluents from mineral extraction or processing other than those specified in Band F.

Band F

13. Trade effluent from the prevention of interference with mining or quarrying for which there are no conditions or the only conditions are one or more of volume, suspended solids, iron, pH and chloride.

Band G

14. Trade effluent of direct cooling water or boiler blow-down, for which the only conditions are one or more of volume, temperature, pH and chlorine.

Financial Factor

15. The financial factor in respect of the annual charge is the charge rate set in accordance with paragraph 3(2).

Payment of charges

16. (1) The application fee shall be due and payable in full on application or on the granting of a discharge consent if no application is made.
(2) Payment of the annual charge shall be due on the 1st of April each year.
(3) In the year where a new or previously unmonitored, discharge consent is placed on the Department’s compliance assessment monitoring programme, the invoice will be issued within 28 days of being entered onto the Department’s programme. In these cases, the initial amount invoiced will be reduced pro-rata relative to the number of months remaining in the invoice period.

Fee for the transfer of existing discharge consents

17. Where a discharge consent given under paragraph 2 or 4 of Schedule 1 of the Order is transferred to a person who proposes to carry on the discharge, in place of the holder and the applicant can give full details of the existing discharge consent, a fee of £58 shall be payable by the person or company acquiring the consent.

Payment and liability for payment

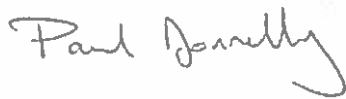
18. (1) The application fee payable under paragraph 4 or 17 shall be due and payable in full on the making of an application, or on the granting of a discharge consent if no application is made. In the case of an application being withdrawn by the applicant, or refused by the Department, no refund of the application fee will be made.

(2) The annual charges payable under paragraph 5 shall be due and payable in full, or pro-rata depending on the time of the year of the addition of any discharge consent onto the Department's compliance assessment monitoring programme.

Revocation

19. The scheme entitled the Discharge of Effluent into Waterways and Underground Strata (Fees and Charges) Scheme (Northern Ireland) 2009 which came into operation on 1 April 2020 is hereby revoked.

Sealed with the official seal of the Department of the Agriculture, Environment and Rural Affairs on the 31 August 2021.



Paul Donnelly

Paul Donnelly

A senior officer of the Department of the Agriculture, Environment and Rural Affairs

(L.S)

SECTION 2

Water (Northern Ireland) Order 1999

**Fees and Charges in Respect of Costs associated with
the Regulation of Discharges made by Northern Ireland
Water – Scheme No 1**

Department of the Agriculture, Environment and Rural Affairs

1 April 2021

DEPARTMENT OF THE AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

FEES AND CHARGES IN RESPECT OF COSTS ASSOCIATED WITH THE REGULATION OF DISCHARGES MADE BY NORTHERN IRELAND WATER – SCHEME NO 1

The Department of the Agriculture, Environment and Rural Affairs, in exercise of the powers conferred on it by Article 11(1), (2) and (4) of the Water (Northern Ireland) Order 1999 (a) and of every other power enabling it in that behalf and in accordance with Article 11(5), (6) and (7) of that Order, hereby, makes the following scheme.

Citation and commencement

1. This scheme may be cited as ‘Fees and Charges for Northern Ireland Water – Scheme No 1’ and shall come into operation on 1 April 2021.

Interpretation

2. In this scheme:

“application for a discharge consent” means an application for a consent under paragraph 1 of Schedule 1 to the Order; the full range of application types are as defined under paragraph 3;

“discharge consent” means a consent given or served by the Department for the purposes of Article 7 of the Order;

“the Department” means the Department of the Agriculture, Environment and Rural Affairs;

“the Order” means the Water (Northern Ireland) Order 1999;

“year” means a period of 12 months commencing on 1 April.

Application Fees

3. (1) The following application fees shall apply to Northern Ireland Water (NIW):

<u>APPLICATION TYPES:</u>	<u>FEE</u>
Pre-application Consents	
a) Waste Water Treatment Works (WWTW)	£880
b) Pumping stations	£755
c) Water Treatment Works (WTW)	£755
WWTW Consents -	
Population Equivalent (PE) less than 100	£1258
PE between 100 and 250 inland or 100 and 10,000 coastal	£2389
WWTW Consents – PE greater than 250	
inland or 10,000 coastal	£3395

(a) S.I.1999/662 (N.I.6)

WTW Consents	£2389
Consents for Emergency Overflows from Pumping Stations/Waste Water Transfer Stations	£1006
Drainage System Consents (Intermittent Discharges)	£1006 +£252 per discharge point
Temporary Consents	£692
Interim Consents	£692
Review of Consents	£692
Transfer of Ownership	£58
(See Schedule A for description of each application type)	

- (2) For each application for a discharge consent, or the review or transfer of an existing consent, an application fee shall be payable by NIW. All applications will be recorded by Northern Ireland Environment Agency (NIEA) on receipt and NIW will be invoiced quarterly, in arrears.
- (3) Where an application relates to intermittent discharges from a sewerage system for more than one discharge point, a fee shall be payable for each discharge for which a consent is required.
- (4) Where an application relates to a consent from a WWTW, WTW, pumping station or waste water transfer station for more than one effluent discharge point, the fee shall relate to all discharge locations within the works boundary.
- (5) The fee for transfer of an existing consent shall be payable by NIW on transfer from a third party or public body or government department.
- (6) In the case of an application being withdrawn by the applicant, or refused by the Department, no refund of the application fee will be made.

Annual charge

4. (1) There shall be payable, annually, by NIW an annual charge equivalent to the costs incurred by NIEA in respect of the regulatory activities listed in Schedule B.

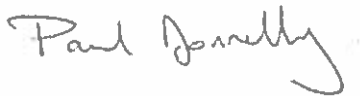
Payment of charges

5. (1) The application fee for each application made (or granted if no application is made) shall be listed on a composite list to accompany a quarterly invoice in respect of application fees.
- (2) Payment of the annual charge shall be made to the Account of the Department in quarterly instalments, i.e. on the 1st day of July, October, January and April of each year. The total amount for the year shall be equal to the costs incurred by the Department in administering and regulating discharges made by NIW. For the 2021/22 year, the total amount has been estimated to be £800,000.

Revocation

6. (1) The scheme entitled Fees and Charges NIW – Scheme No 1 which came into operation on 1 April 2020 is hereby revoked.

Sealed with the official seal of the Department of the Agriculture, Environment and Rural Affairs on the 31 August 2021.



Paul Donnelly

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A senior officer of the Department of the Agriculture, Environment and Rural Affairs

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SCHEDULE A

APPLICATION TYPES:

Pre-application Consents – these applications are made to enable indicative standards to be established in advance of tendering.

- (a) Waste Water Treatment Works (WWTW)
- (b) Emergency Overflow from Pumping stations
- (c) Water Treatment Works (WTW)

WWTW Consents – these applications are made when applying for the formal discharge consent for a new or upgraded works.

WTW Consents - these applications are made when applying for the formal discharge consent for a new or upgraded works.

Consents for Emergency Overflows from Pumping Stations/Waste Water Transfer Stations – these applications are required in order to establish minimum capacity standards etc and also to define the emergency circumstances in which a discharge would be permitted.

Drainage System Consents (Intermittent Discharges) – these applications are required in order to regulate the intermittent discharges from a sewerage system.

Temporary Consents – these applications are required where it is envisaged that a discharge will occur for a set period of time at a new discharge location. Temporary consents will stipulate an end date after which the consent will expire.

Interim Consents – these applications are required in order to establish interim conditions at an existing discharge location – e.g. during a period when refurbishment works are underway, and where it is necessary to seek permission to make a discharge which would not conform to the formal discharge consent standards.

Review of Consents – these applications are necessary where something occurs which necessitates a change in any condition stipulated in an existing discharge consent.

Transfer of Ownership –these applications are required where NIW acquires responsibility for a consent to discharge from the Private Sector, or a public body.

SCHEDULE B

Annual Charges:

WWTWs

Discharge Consent compliance:

Planning and setting up the sampling/inspection programme

Inspection of works serving population equiv. >250

Inspection of works serving population equiv. <250

Routine/Audit Sampling (chemical)

Assessment of flow compliance

Calculation of compliance levels

Generation of Annual Report on Performance

Audit

Impact assessment monitoring (Urban Waste Water Treatment Regulations)

Chemical

Biological (Field Assessment)

Bacteriological

International requirements

OSPAR sampling and analyses

EC Returns

WTWs

Consent compliance:

Planning and setting up the sampling/inspection programme

Inspections

Routine/audit Sampling (chemical)

Assessment of flow compliance

Calculation and assessment of compliance

Input to Annual Report

Audit

Impact assessment Monitoring

Chemical

Biological (Field Assessment)

Bacteriological

International requirements:

EC returns

CSOs/Drainage system consents:

Desktop assessment of Drainage Area plans

Planning and setting up the sampling/inspection programme

Inspections

Statement of Need

Reassessment of Drainage Area Plans

Formal agreement

Input to Annual Compliance Report

Special category effluents:

Calculation of conditions to be imposed on special category effluents

Invoicing:

Tracking work undertaken by the various teams

Generating invoices