

## Air Pollution Control - Permits

### Description

#### Background

Pollution from industrial installations in England and Wales has been controlled to some extent for over 150 years. The Pollution and Control (England and Wales) Regulations 2000 (the 'PPC Regulations') were introduced under the Pollution Prevention and Control Act 1999 and build on existing systems. The PPC Regulations are gradually replacing the pollution control regime set up under Part I of the Environmental Protection Act 1990 (EPA 1990). The transitional process will be completed by the end of 2007 which in itself will be replaced by new Regulations in 2008.

#### The PPC Regulations

The PPC Regulations introduce three separate, but linked systems of pollution control:

- Integrated Pollution Prevention and Control (**IPPC**), which covers installations known as **A(1) installations**, which are regulated by the **Environment Agency**;
- Local Authority Integrated Pollution Prevention and Control (**LA-IPPC**) which covers installations known as **A(2) installations**, which are regulated by Local Authorities;
- and, Local Authority Pollution Prevention and Control (**LAPPC**), which covers installations known as **Part B installations**, also regulated by Local Authorities.

All three systems require the operators of certain industrial and other installations to obtain a permit to operate. Once an operator has submitted a permit application, the regulator then decides whether to issue a permit. If one is issued, it will include conditions aimed at reducing and preventing pollution to acceptable levels. A(1) installations are generally perceived to have a greater potential to pollute the environment than an A(2) installation, and Part B installations would have the least potential to pollute.

An **installation** is a 'technical unit' where one or more industrial **activities** listed in Schedule 1 of the PPC Regulations are carried out. The Regulations also specify in that an installation is any other location on the same site where directly associated activities that have a technical connection to the listed activity, which could have an effect on pollution. The activities are broadly divided into the relevant industrial sectors and categorized as Part A(1), A(2) or B activities. An installation can also comprise of where several listed activities from different parts of Schedule 1 are carried out in an installation, the installation will be permitted according to the 'highest common denominator' i.e. if Part A(1), A(2) and B activities were carried out at an installation, it would be permitted as an A(1) installation and therefore by the Environment Agency. If Part A(2) and Part B activities were carried out at an installation, it would be permitted as an A(2) installation and be regulated by the Local Authority.

#### Part A(1) and A(2) installations

The IPPC and LA-IPPC systems apply an integrated environmental approach to the regulation of certain industrial activities and are the means by which the Government has implemented the European Community Directive on Integrated Pollution Prevention and Control (96/61/EC) (**IPPC Directive**). The primary aim of the IPPC Directive is to ensure a high level of environmental protection and to prevent and where that is not practicable, to reduce emissions to acceptable levels. Separate legislative provisions are in place to implement the IPPC Directive in Scotland, Northern Ireland and the offshore oil and gas industries.

Regulators must set permit conditions which are based on the use of the 'Best Available Techniques' (BAT), which balances the cost to the operator against the benefits to the environment. Regulators are required to set permit conditions for pollution to air, land and water. The PPC Regulations also include provisions relating to energy efficiency, site restoration, noise, odour, waste minimization, accident prevention and heat and vibrations, which

were not covered by the previous regime. The PPC Regulations also apply to a wider range of activities, including food and drink manufacturers, large-scale intensive livestock production (pigs and poultry) and landfill.

Since 31st October 2000, any new installations are required to apply for a PPC permit. Existing installations are required to apply for a PPC permit over a phased timetable until 2007.

#### **Part B installations**

Part B installations regulated under LAPPC, do not come under the scope of the IPPC directive. As with A(1) and A(2) installations, Regulators must set permit conditions which are based on the use of 'Best Available Techniques' (BAT). However, these conditions extend only to emissions to air. The transfer into the LAPPC regime from the previous regime (EPA 1990) will, in most cases, essentially be an administrative one.

#### **The Environmental Protection Act (1990)**

Prior to the entry into force of the PPC Regulations, many industrial sectors were regulated under Part I of the Environmental Protection Act (EPA) 1990, which introduced the systems of Integrated Pollution Control (IPC), which controlled releases to air, water and land, and Local Air Pollution Control (LAPC), which controlled releases to air only.

As with PCC, operators of industrial **processes** that are prescribed in the Regulations must apply for an **authorisation** from the relevant regulator. In England and Wales the Environment Agency is the regulator for IPC, whereas Local Authorities perform that function under LAPC.

Operators must apply the principle of '**Best Available Techniques Not Entailing Excessive Cost**' (BATNEEC) to their processes, which is broadly the same as the process of determining BAT under the PPC regime. If there is pollution to more than one environmental medium then the '**Best Practicable Environmental Option**' (BPEO) must be applied to control pollution so as to ensure the least negative impact on the environment as a whole.

#### **Main features of the local air pollution control system**

The main features of LAPPC are as follows:

- prescribed processes designated for local control must not be operated without a permit from the local enforcing authority in whose area they are located. Mobile plant must be authorised by the local enforcing authority in whose area the operator has his principal place of business.
- operators of prescribed processes must submit a detailed application for authorisation to the local enforcing authority.
- local authorities are statutorily obliged to include conditions in any authorisation they issue which are designed to ensure that the process is operated using the Best Available Techniques Not Entailing Excessive Cost (BATNEEC) to prevent and minimise emissions of prescribed substances and to render harmless any substance that may be emitted.
- in addition to any specific conditions included in a permit, all permits implicitly impose a duty on the operator to use BATNEEC for any aspect of the process that is not covered by the specific conditions. This is the so-called 'residual' BATNEEC duty.
- Secretary of State Process Guidance Notes (PGs) on all the main categories of prescribed processes have been issued to every local enforcing authority. These Notes contain the Secretary of State's views on what is BATNEEC for each category of process. They are likely to be of interest to operators of prescribed processes as well as to local authorities.

- Process Guidance Notes are published by HMSO (now the Stationery Office). These are intended to cover all the main categories of process prescribed for local air pollution control. These notes are reviewed on a programmed basis. The notes can be viewed online <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/notes/pgnotes/index.htm>
- Operators can appeal against refusal of an application, against the conditions included in a permit, and against the various forms of notice that may be served by a local enforcing authority. Appeals will not put notices into abeyance, except in the case of revocation notices.
- Local authorities can issue notices to ensure that appropriate standards of control are met, and raised in line with new techniques and new awareness of environmental risk. Prohibition notices are a mechanism for stopping a process if there is an imminent risk of serious pollution of the environment.
- All applications for permits (except in relation to small waste oil burners, dry cleaners and mobile plant) must be advertised locally and full details (except information that is commercially confidential or would prejudice national security) must be made available so that the public can comment before the process is authorised to start operation or to undergo a substantial change.
- Local authorities hold a public registers containing details of all permitted processes in its area. These must include details of applications, authorisations, notices, directions issued by the Secretary of State, appeal decisions, monitoring data, etc.
- local authorities must levy fees and charges in accordance with a scheme prescribed by the Secretary of State. The scheme is reviewed annually.

## **Eligibility**

This service is available to everyone.

Information on processes authorised/permitted under the Environmental Protection Act 1990/ Pollution Prevention & Control Act 1999 are contained in a register that is available for inspection, free of charge at Surrey Heath House, Knoll Road, Camberley, Surrey.

## **Procedure**

Application forms and guidance on the legislation are available from Environmental Health Services on (01276 707100).

The operator should complete the form and return it to the local authority in which their process is located.

Once the completed form has been received, the local authority has 14 days in which to determine whether the application is duly made (has the applicant supplied sufficient information). Under the regulations the applicant must then advertise the fact that they have applied for a permit (further information will be provided on advertisement content etc., in writing to the applicant following the application being duly made).

The local authority must also consult with various bodies regarding the application. Any comments made by the statutory consultees/members of the public must be taken into account as part of the application determination process.

The local authority has up to 4 months in which to determine the application (subject to the quantity and quality of the information received). It is therefore essential that applications are submitted at the earliest opportunity in order to ensure that there are no unforeseen delays. The conditions

contained within the permit issued are derived from the relevant Secretary of States Process/Sector Guidance Notes and the information contained within the application document.

The permit will be reviewed on a regular basis in order to incorporate any changes to the Secretary of States Process/Sector Guidance Notes.

The local authority carry out inspections in order to ensure that the operator is complying with the conditions stipulated within their permit.

### **Helplines**

Further information on the Environmental Protection Act and the Pollution Prevention & Control Act including all Process Guidance Notes can be obtained by reference to the following DEFRA website: <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/notes/pgnotes/index.htm>

### **Charges/Fees**

Fees and charges for process authorisations/permits are set by DEFRA and are reviewed on an annual basis.

### **Method of Payments Available**

Payments can be made in person at the Council cash office by cash or cheque, or via the post by cheque .

### **Application forms**

- Application for Part B Permit PPC 1999 (LA PPC)
- Application for substantial change to a Part B Permit PPC 1999 (LA PPC)
- Application for Surrender of a Pt B Permit
- Application for Transfer of a Part B Permit

### **Legislation**

- Environmental Protection Act 1990
- Environment Act 1995
- Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (as amended)
- Environmental Protection (Applications, Appeals and Registers) Regulations 1991 (as amended)
- Pollution Prevention and Control Act 1999
- Pollution Prevention and Control Regulations (England and Wales) 2000
- Waste Incineration Directive 2000

- Solvent Emissions Directive 1999
- Secretary of States Process Guidance Notes
- Secretary of States Sector Guidance Notes

## **Frequently Asked Questions**

### **Q How does the legislation affect me?**

**A** Schedule 1 of The Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (as amended) and Schedule 1 of the Pollution Prevention & Control Regulations (England & Wales) 2000 contain details of activities, installation and mobile plant that require permits to operate. These are known as scheduled processes.

Operators must obtain the correct permit prior to commencing a scheduled process. The only exception to this rule is in instances where the regulations have been amended to include a new category/amend the threshold. In these circumstances the operator must apply for the relevant permit within the timescales assigned by DEFRA.

It is an offence to operate a prescribed process without the relevant process permit

### **Q What is the procedure for obtaining a permit?**

**A** The operator with a business interest within Surrey Heath should contact Environmental Health or call into the offices to obtain the correct application form and guidance notes. Once the completed form has been submitted, the local authority has 14 days in which to determine whether the application is duly made (has the applicant supplied sufficient information). Under the regulations the applicant must then advertise the fact that he has applied for a permit (further information will be provide in writing to the applicant following the application being duly made). The local authority must also consult with various bodies regarding the application

The local authority has up to 4 months in which to determine the application. It is therefore essential that applications are submitted at the earliest opportunity in order to ensure that there are no delays.

### **Q What information do you require as part of an application for a permit?**

**A** The following information must be included in an application for a permit:

- Applicant details including the registered office and ultimate holding company
- The installation address where the process is/will be carried out (including a grid reference)
- A detailed description of the activities carried out at the installation, including identification of any potential emission sources and how these will be controlled
- A plan showing the location and extent of the installation
- A plan showing the layout of activities on site and identifying any point emission sources
- Details of any emission monitoring that has been carried out/is proposed

- Copies of procedures and policies in relation to the environmental management of installation activities
- Assessment of the potential significant local environment effects of the foreseeable emissions

**Q How much does it cost to apply for a permit?**

**A** A list of fees is available, however this changes year to year. Please contact us using the contact details provided to obtain an up to date figure.

**Q Where can I obtain a copy of the process/sector guidance notes?**

**A** Copies of the guidance notes can be found on the DEFRA site ([www.defra.gov.uk](http://www.defra.gov.uk)) for further help or for the guidance notes contact Pollution Control on (01276) 707100.

**Q What types of process require Permits?**

**A** The types of processes covered by the above legislation include quarrying, wood working (above a prescribed threshold), car resprayers (above a prescribed threshold), foundries, ready mix concrete, glass manufacture, processes involving the use of solvents (above a prescribed threshold), rubber processes, opencast coal sites, petrol stations, ceramic processes, dry cleaning processes and waste oil burners to name but a few. For more details on the types of processes covered along with details of any relevant thresholds please contact Environmental Health on 01276 707100 or alternatively by e mail at [enquiries@surreyheath.gov.uk](mailto:enquiries@surreyheath.gov.uk)