

CONTROLLING POLLUTION FROM INDUSTRY: REGULATION BY LOCAL AUTHORITIES - A SHORT GUIDE

The basics

Your local authority must by law regulate certain types of industry and other activities such as dry cleaners. This is to reduce any pollution they may cause and, in particular, to help improve air quality.

Businesses which operate these installations must obtain a permit.

Local authorities decide whether to issue a permit. If they do so, they must set down in writing how the pollution is to be minimised. For many installations (known as 'Part B'), local authorities can only deal with air pollution. For some (known as 'A2'), they must look at many environmental impacts.

Much of the information about permits must be put on a register. Anyone can ask to see it. The public must be consulted in various circumstances.

Which local authorities are regulators?

Your District or Borough Council is normally the regulator. If your area has only one Council (a Unitary Council), it is the regulator. In some port areas the regulator may be the Port Health Authority.

Which installations are regulated?

Local authorities regulate about 80 different types of installation. This includes glassworks and foundries, rendering plant and maggot breeders, petrol stations and concrete crushers, sawmills and paint manufacturers.

The Regulations say exactly which installations need a permit. In several cases only installations over a certain size need one.

Other installations (known as 'A1') are regulated by the Environment Agency. They are usually larger or more complex.

How are they regulated?

The operator of a listed installation must apply for a permit. He or she must pay a fee for doing so, which is to cover the local authority's costs. The Regulations say what information must be included in the application.

The local authority must consider the application and decide whether to approve it or not. The authority must consult relevant members of the public and other organisations.

If the authority decides to issue a permit, it must include conditions. These conditions will say how pollution is to be minimised. Government guidance has been published for each type of installation on what are likely to be the right pollution standards. Under the law, the standards must strike a balance between protecting the environment and the cost of doing so. The authority must by law have regard to that guidance.

If the authority decides to refuse a permit, the business can appeal to the Government. A business can also appeal if it has received a permit but does not agree with any of the conditions.

Once a permit is issued, the operator must comply with the permit conditions. The operator must pay an annual charge. This covers local authority costs of checking the permit is complied with.

Local authorities rate most regulated installations as high, medium or low risk. This is based on two things. First, what the environmental impact would be if something went wrong. Second, how reliable and effective the operator of the installation is. The annual charge is lower for low- and medium-risk installations.

Local authorities have powers if a business does not comply with the Regulations. An authority can serve various sorts of notice. It can also prosecute. But authorities generally try to work with operators to solve problems, and only use tough measures as a last resort. Their officers often try to advise on money-saving ways of reducing pollution.

The legal side

You will find the law in the 2010, statutory instrument number 2010/675. On 6th April 2010 these Regulations replaced the Environmental Permitting (England and Wales) Regulations 2008, which contained a very similar system.

The Part B system is known as Local Authority Pollution Prevention and Control (LAPPC). The A2 system is Local Authority Integrated Pollution Prevention and Control (LA-IPPC).

For many of the listed installations, the Regulations also implement EU Directives.

More information

This note only gives a basic outline. It should not be relied upon for any regulatory purpose.

If you want more guidance on the procedures, visit the Department for Environment, Food and Rural Affairs website. It also has all the statutory guidance on pollution standards. The website address is www.defra.gov.uk/environment/ppc. Defra can be contacted on 08459 335577.

Members of the public and operators of installations can contact their local authority for information. You should usually ask to speak to the pollution team in the Environmental Services Department. You will find all Councils listed on www.direct.gov.uk (click on "directories"). You can also your local library for the name and contact details of your Council.

Some organisations advise businesses on ways of improving their environmental performance which may also save money. The advice may be free. You can find a list in chapter 32 of the “General Guidance Manual” at www.defra.gov.uk/environment/ppc.

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