
IMPLEMENTATION OF POLLUTION PREVENTION AND CONTROL REGULATED BY LOCAL AUTHORITIES

1 SUMMARY

- 1.1 The Department of Environment, Food and Rural Affairs (DEFRA) has produced draft general guidance which aims to set out the policy and procedures of the two local authority components of the Pollution Prevention and Control Regulations 2000 (PPC Regulations). Comments and views are invited by the 31 December 2002.

2 INTRODUCTION

- 2.1 The existing pollution control regime set up under the Environmental Protection Act 1990 (EPA 1990) is gradually being replaced by two new pollution control regulatory regimes introduced under the Pollution Prevention Control Act 1999. Local Authorities are the regulators for the new regimes known as:
- Local Authority Integrated Pollution Prevention and Control (**LA-IPPC**) which covers installations known as A2 installations.
 - Local Authority Pollution Prevention and Control (**LAPPC**) which covers installations known as Part B installations.
- 2.2 Most installations currently regulated under the EPA 1990 regime will transfer to the LAPPC regime. These will remain subject to air-only regulation and the transfer will be essentially an administrative one.
- 2.3 Some installations will be regulated by the LA-IPPC regime; this is an integrated environmental approach that regulates emissions to air, water and land, plus a range of other environmental effects that must be considered. Operators of these installations will be required to submit an application under the new regime detailing all the potential environmental impacts and their control measures. The local authority will have 4 months to determine the application. There is one existing installation within the Rochford district that is likely to come under the LA-IPPC requirements.
- 2.4 The transfer to the new regime will take place in a phased approach and will be completed by 2007. The LA-IPPC system is the means by which the Government has implemented the EU Integrated Pollution Prevention and Control Directive.

3 SUMMARY OF GUIDANCE

3.1 The guidance is a guide to issues and procedures relating to the making of applications, writing and granting permits, and regulating approved installations under the PPC Regulations. It contains the following details:

- Definitions and their interpretation
- Administrative procedures involved in making an application, varying or transferring a permit (including standard forms).
- Relevant considerations in determining applications (including noise, vibration, odour, accidents and preventative measures and climate change levy).
- Monitoring requirements, reporting, record keeping and inspections of installations.
- Public registers and information requirements.
- Appeals procedures
- Overlap between PPC regime and other legislation.
- Lists relevant dates for the transfer to LAPPC and LA-IPPC.

It is aimed at providing a strong framework for consistent and transparent regulation of processes and installations.

4 COMMENTS ON GUIDANCE

4.1 The Department for Environment Food and Rural Affairs has requested comments on the draft guidance by 31 December 2002.

4.2 Generally the guidance is helpful providing a good level of detail and presented clearly. However, some suggested comments on these proposals are given below:

- The A2 application procedure refers to exemptions for waste oil burners and vapour recovery. These are listed as part B installations that would be subject to the LAPPC, not the LA-IPPC, procedure.
- There appear to be some differences in procedures for regulating waste oil burners (less than 3 megawatts) and petrol vapour recovery. A brief summary of these differences would be useful.
- There are a few areas where it is not clear whether the guidance applies to both regimes or just LA-IPPC e.g. the guidance on accidents and preventative measures.
- The first industry sectors to be transferred to LAPPC and LA-IPPC will commence in April 2003. It is important that guidance for the transfer of installations, particularly for the A2 installations, is received in advance of this date. Local Authorities will need to set up procedures for processing the transfers. It is also important that operators understand the requirements and have time to respond as necessary. Sector specific guidance notes, some of which are out in

draft, will also need to be updated. There is doubt as to whether DEFRA can meet this timescale.

5 RESOURCE IMPLICATIONS

- 5.1 There will be an initial resource implication in transferring over to the new regime and an additional cost has been added to the statutory fees to allow for this. The regulation and monitoring of installations falling within the LA-IPPC regime is likely to be more time consuming.

6 LEGAL IMPLICATIONS

- 6.1 The LA-IPPC extends the local authorities regulatory role to include the restoration of sites when industrial activities cease.

7 RECOMMENDATION

It is proposed that the Committee **RESOLVES**

That, subject to Members' comments, the responses detailed within this report are made to the consultation paper "LA-IPPC & LAPPC – Policy and Procedure for Permitting Installations". (HHHCC)

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Background Papers

LA-IPPC & LAPPC – Policy and Procedure for Permitting Installations,
Secretary of States Guidance, Consultation Draft Oct 2002

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