

Controlling Pollution from Industry: Regulation by Local Authorities

A Short Guide

October 2010

The basics

Your local authority must by law regulate certain types of factory 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 premises must have a permit.

Local authorities decide whether to give a permit. If they do so, they must write down how the pollution is to be minimised.

In the law, the premises are known as "installations". Some are called 'Part B', and local authorities can only deal with air pollution from them. Many different sorts of pollution are controlled at 'Part A2' installations.

Much of the information about permits must be put on a register. Anyone can ask their local authority to see it. The public must also 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. The Port Health Authority may be the regulator in port areas.

Which installations are regulated?

Local authorities deal with about 80 different types of installation. Glassworks and foundries, rendering plant and maggot breeders, petrol stations and concrete crushers, sawmills and paint manufacturers, are among the sorts regulated.

Regulations say exactly which installations need a permit. In several cases only bigger installations need one. If you want to know whether a particular installation needs a permit, ask your local authority or the Environment Agency.

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

How do local authorities regulate?

- Getting a permit

The operator of one of these installations must apply for a permit. He or she must pay a fee for doing so. This is to cover the local authority's costs. The Regulations say what information must be in the application.

The local authority must consider the application to decide whether or not to approve it. 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. The Government has published guidance for each type of installation. This says 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. The authority must also consider local circumstances.

If the authority decides to refuse a permit, a 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.

- After a permit is given

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

Local authorities rate 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 its permit or operates without one. They can serve various sorts of legal notice. They can also take the business to Court. But authorities generally try to work with businesses to solve problems, and only use tough measures as a last resort. Their officers also often try to advise on money-saving ways of reducing pollution.

The legal side

You will find the law in the Environmental Permitting (England and Wales) Regulations 2010.

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).

The Regulations also implement some European Community Directives.

More information

If you want more guidance on the procedures you will need to read bits of the Defra General Guidance Manual. The Manual and also guidance on pollution standards are on the internet: <http://www.defra.gov.uk/environment/quality/pollution/ppc/index.htm> . Chapter 1 of the Manual contains a more detailed summary of the system. Chapters 2-9 describe how to make an application and obtain a permit.

Defra is the Government Department responsible for the system in England. Contact helpline@defra.gsi.gov.uk or telephone 08459 33 55 77.

The Welsh Assembly Government/LLwodraeth Cynulliad Cymru is the responsible for the system in Wales. Contact DeshWebCorrespondence@Wales.GSI.Gov.UK or telephone 0845 010 3300 (English) or 4400 (Welsh).

Members of the public and operators of installations can contact their local authority for information. Ask to speak to the pollution team in the Environmental Services Department. You will find all Councils listed on www.direct.gov.uk/find-your-local-council. You can also ask your local library for the name and contact details of your Council, or look in the information pages at the front of your telephone directory under the heading "Government/ Local authorities".

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.

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

**Defra**

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