

Consultation on Local Authority Pollution Prevention and Control:

The scope of the proposed 6-year review of Process Guidance Notes for Part B Installations

A consultation document issued jointly by the Department
for Environment, Food and Rural Affairs, Welsh Assembly
Government and the Scottish Government

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Environmental Permitting Regulations 2007: Local Authority Pollution Prevention And Control

Consultation On The Scope Of The Proposed 6-Year Review Of Process Guidance Notes For Part B Installations

1. Defra, together with the Welsh Assembly Government and the Scottish Government, issue guidance on the air pollution control standards which reflect Best Available Techniques (BAT) for those installations regulated by local authorities (and the Scottish Environment Protection Agency, in Scotland) under the Environmental Permitting Regulations (EPR)¹. The control regime is generally referred to either as Local Authority Pollution Prevention and Control (LAPPC) or as the regulation of “Part B” installations.

2. A set of 82 guidance notes is currently available – published on the Defra website². This covers all the main industry sectors falling within the ambit of the LAPPC regime. All guidance notes are issued in England and Wales under legislation which requires local authority regulators to have regard to them when deciding the conditions they must include in LAPPC permits. These conditions must, in turn, reflect BAT. Further guidance on BAT can be found in chapter 12 of the General Guidance Manual on Policy and Procedures for A2 and B Installations³.

3. The guidance has hitherto been reviewed periodically, in particular for the following reasons:

- to help local authorities and SEPA in discharging their legal responsibilities to follow developments in BAT [paragraph 7 of Schedule 8 to the EPR]
- to reflect any changes to available pollution control techniques, assessment of environmental risks, economic costs, and legislation
- by maintaining their relevance, to ensure that they continue to be used with confidence by regulators as the key source of advice on BAT in order to maximise consistency of regulation for business.

In between these reviews, amendments are made if, from experience of using them, the need arises.

4. The last major review of the guidance – known as Process Guidance (PG) Notes – was between 2003 and 2005. Regulators are required by EP regulation 34(1) to periodically review environmental permits, and the PG Notes currently envisage such reviews to take place every 6 years in most cases, unless there are particular reasons to do so more frequently. In order

¹ in Scotland the Pollution Prevention and Control (Scotland) Regulations 2000 <http://www.opsi.gov.uk/legislation/scotland/ssi2000/20000323.htm> . All other references to the Environmental Permitting Regulations should be taken to include a reference to the Scottish Regulations and the corresponding regulation therein

² <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/notes/pgnotes/index.htm>

³ <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/manuals.htm>

to maintain the currency of the PG notes and to reflect the periodic permit review requirement, it is proposed to undertake a full review of all the PG notes over the period 2009-2011.

5. This consultation paper is to seek views of all stakeholders - regulators, regulated business, environmental groups, and any other interested parties - on what the review should cover and how it should be conducted.

6. This consultation is being issued jointly by the UK Government, the Welsh Assembly Government and the Scottish Government (collectively referred to in this consultation document as 'Government').

How to respond

7. The consultation will last 12 weeks. The closing date is 6th February 2009. Please send comments, preferably by email (marking **6-year Review** in the heading), to:

England

control.pollution@defra.gsi.gov.uk

LAPPC Better Regulation Review
Defra
Area 3C, Ergon House
c/o 17 Smith Square
London
SW1P 3JR

Wales

RPPmailbox@Wales.gsi.gov.uk

LAPPC Better Regulation Review
Radioactivity and Pollution
Prevention Branch
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

Scotland

SEPATeam@scotland.gsi.gov.uk

LAPPC Better Regulation Review
Scottish Government
Environmental Quality Directorate
Waste and Pollution Reduction
SEPA and Pollution
Area 1J (N) Victoria Quay
Edinburgh, EH6 6QQ

8. If you have any queries relating to this consultation please email via the addresses above or call:

England: Mark Cope, 020 7238 5558
Wales: Jacqui Murray 029 2082 1588
Scotland: Susan Scott 0131 244 4966

9. Any comments on this consultation paper would be welcome in any form. However, your response can be processed more efficiently if you could reply to the specific questions in the text and repeated below, and identify each question you are responding to. To help put your response in context, you are also encouraged to indicate who you are and you (and how many) you represent.

Q1. do you agree that it is appropriate to undertake a review of the PG notes, and do you agree the proposed timescale?

Q2. do you consider that there are any notes which do not need revising?

Q3. do you agree the purpose of the review as set out in paragraph 17?

Q4. what are your views on the questions posed in A-F above, and the proposals in C and F? Would you prefer the structure of the notes not to be changed or to be subject to only minimal change?

Q5. do you agree that all the PG notes should be produced in a common format, although subject to limited variations as in the examples given above?

Q6. do you agree that the review as a whole should focus on particular cross-cutting issues, with generally a less extensive consideration of sector-specific developments?

Q7. do you agree the list of cross-cutting issues in paragraph 26?

Q8. do you agree that the reviews should be conducted in the same way as previous reviews?

Q9. do you consider that these arrangements will adequately capture the views of SMEs? If not, what additional arrangements do you suggest?

Q10. would your organisation like to participate in the reviews? If so, in relation to which particular notes and can you please provide an up-to-date contact (name, email and phone)?

Q11. do you agree the proposed mechanisms for sharing information with all interests during each review?

Q12. do you agree the status of the published and emerging guidance during the reviews?

10. It may not be possible to consider responses which arrive after the deadline of 6th February 2009.

Ensuring your confidentiality

11. In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses.

12. If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

13. The Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone or email requests (tel: 020 7238 6575, email: defra.library@defra.qsi.gov.uk). Wherever possible, personal callers should give the library at least 24 hours notice of their requirements. An administrative charge will be made to cover photocopying and postage costs.

14. Responses provided to WAG and the Scottish Government will be published. Normally the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise. If you do not wish to be identified as the author of your response, please state this expressly in writing to us, and your response will be published anonymously.

Consultation code

15. The consultation is being conducted in line with the Code of Practice on Consultation as outlined below:

Criterion 1 - When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 - Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 - Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 - Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 - The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 - Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 - Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full version can be accessed at

<http://bre.berr.gov.uk/regulation/consultation/code/index.asp>

Whether there should be a review

16. It has been Government's policy hitherto to review the PG notes periodically. The main reason has been to ensure that they continue to identify what constitutes BAT. In particular, such reviews are aimed at identifying any changes in available techniques, to reflect any new understanding of risks, and to address any legislative changes. The frequency of review has reflected the periodicity of permit reviews envisaged under the legislation – i.e. generally 4 years under the Environmental Protection Act 1990, extending to 6 years under the Pollution Prevention and Control and the Environmental Permitting Regulations.

17. The intention of keeping the guidance up to date is to ensure that regulators reflect the latest national view in undertaking their regulatory functions. This has a number of purposes:

- a) to improve environmental protection where to do so is in line with BAT (i.e. to reflect any developments in the assessment of risks and benefits; to take account of technological advances and changes in scientific knowledge and understanding; and to have regard to any

changes to “economically viable conditions”, as referred to in the definition of BAT in Article 2(11) of the IPPC Directive)

- b) to remove any requirements which evidence shows do not achieve the intended purpose or otherwise do not reflect BAT
- c) to ensure background material and requirements reflect any industry changes or, for example, changes in British Standards or available abatement or monitoring equipment
- d) to reflect changes in legislation and update any other outdated references
- e) to adopt a better regulation approach to the structure and content of guidance
- f) to maintain the efficiency benefits of having trusted national guidance: regulators are required to follow developments in BAT and it is far more efficient that this is done centrally than 400 local authorities and SEPA undertaking this individually
- g) to continue to benefit business by providing a framework for consistent interpretation of BAT by regulators. However, as clearly stated in each note and in the General Guidance Manual, the status of the notes is that they must be had regard to, but ultimately BAT must be determined on a case-specific basis.

18. All but a handful of the PG notes were republished following review in 2004 or 2005. Therefore, to maintain a 6-yearly frequency referred to in paragraph 16 above, the next review would need to begin in 2009, with the aim of issuing any revisions in 2010 and 2011. Government believes that the reasons given above for maintaining up-to-date guidance require that a further review is now instituted. However, there are issues concerning the breadth and depth of the review, which are addressed below.

Q1. do you agree that it is appropriate to undertake a review of the PG notes, and do you agree the proposed timescale?

Q2. do you consider that there are any notes which do not need revising?

Q3. do you agree the purpose of the review as set out in paragraph 17?

19. In undertaking the review, account will be taken of the parallel Better Regulation Review of those Part B sectors which are not directly required to be subject to PPC permitting in order to implement EU Directives. That review, for which a consultation paper is being issued at the same time as this one, could result in sectors being removed from regulation, transferred to the simplified permitting approach, or being added as PPC installations. Decisions following the Better Regulation Review will have implications, among other things, for the need to review individual guidance notes, and whether the scope for including specimen applications and permits should be explored (the so-called 'simplified permitting' option).

Scope and nature of any review – structure of notes

Present structure

20. All the PG notes adopt the same basic structure of eight chapters:
1. introduction – covers the status and purpose of the guidance
 2. timetable for compliance and for permit reviews, including dates by when improvements should be made to existing installations
 3. process description
 4. potential releases – a list of the main pollutants and which parts of an installation they are typically emitted from
 5. emission limits, monitoring and other provisions – this chapter contains the main operating parameters
 6. control techniques – this reviews the main generic clean technology, abatement and management techniques which can be used to achieve the chapter 5 parameters; it is not prescriptive as to the use of a particular technology in a particular circumstance
 7. summary of changes – lists the changes made compared with the previous edition of the guidance note
 8. definitions and further information.
21. The notes also have an appendix which contains the relevant activity definition from the Regulations.
22. Some notes have different components. All the guidance notes relating to installations covered by the Solvent Emissions Directive include an extract from the Directive as an appendix. In PG3/2(04), for example, there is an appendix containing an outline description of a clamp operation. For those sectors subject to simplified permitting arrangements, the appendices include specimen application forms and permits and it is intended in any revised notes that these will be made available in Word.
23. All the notes, other than those where there are simplified permitting arrangements, include arrow markings (▶) to indicate the text which might be suitable to inclusion as permit conditions. The intention is to continue to balance the role of the guidance in providing a framework for regulator decisions with the desirability of giving regulators a clear indication of the sort of conditions likely to be appropriate in most cases. For those sectors which are additionally subject to EU Directive requirements (such as petrol stations, SED sectors, and sectors affected by sulphur content of fuel requirements), these mandatory requirements will continue to be highlighted.

Options for change

24. The Government has identified the following options and would welcome the views of industry and regulators who use the documents on which, if any, would be helpful. Any structural changes would require familiarisation by all users, and views on a 'no change/minimal change' option are also invited.

- A. remove the common elements of the introductory chapter, definitions and any other generic material and place it either in the General Guidance Manual or in a separate guide to the PG notes.
- would there be benefits from having slimmer individual documents?
 - would there be disadvantages from having to refer to an additional common document?
- B. batch several PG notes together which deal with sectors in the same broad area: such as some or all of the notes relating to the metallurgical industry, or the notes for SED sectors.
- are there sufficient similarities between different sectors to get benefits from this and would it be simpler for users to have fewer, combined documents?
 - or would larger documents be more difficult to negotiate than smaller, sector-specific documents?
- C. remove all references to the Environmental Protection Act and Pollution Prevention and Control Regulations.
- it is proposed to do this.
- D. return to the briefer, simpler format of the PG notes which existed before the 2003-5 revisions.
- how do the advantages of brevity compare with the additional detail, including process description, in the current series of PGs?
- E. remove elements of the existing notes which do not serve a useful or significant purpose.
- are there any such parts?
- F. publish all the guidance only on the Defra website and make on-line amendments rather than issuing additional guidance (AQ) notes. This is the same approach now used for the General Guidance Manual (see the list of revisions in the front of the Manual⁴. All interested parties will be notified of any changes, in addition to any consultation before changes are made.
- it is proposed to do this.

Q4. what are your views on the questions posed in A-F above, and the proposals in C and F? Would you prefer the structure of the notes not to be changed or to be subject to only minimal change?

Q5. do you agree that all the PG notes should be produced in a common format, although subject to limited variations as in the examples given above?

⁴ <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/manuals.htm>

Scope and nature of any review – issues to be examined in the reviews

25. This is the third review of these notes since they were first published between 1990 and 1992 and Government is conscious of the potential for diminishing returns from this third cycle. It is proposed, therefore, that the focus of these reviews should be on

- a) certain cross-cutting issues where there have been developments since the second review, and
- b) a briefer, sector-specific assessment to check that the guidance remains relevant and up-to-date, and reflects BAT.

26. It is proposed that the following should be the key cross-cutting issues to be addressed. Several of the issues relate to an expected growing need, as a result of Directives and international agreements, to reduce national emissions and achieve tougher air quality objectives. These Directives and agreements are relevant insofar as they address pollutants emitted from Part B installations and are therefore covered by PG notes. Regulation 2 of the Environmental Permitting Regulations defines “emission” in relation to Part B installations as “the direct release of substances or heat from individual or diffuse sources in the installation into the air”.

- PM_{10} and $PM_{2.5}$: at present none of the PG notes identify limits for the smaller PM fractions, but rather deal with PM as a whole. Nor do the notes consider whether a particular sector may give rise to a significant proportion of PM_{10} or $PM_{2.5}$ and therefore whether any additional or different measures represent BAT. The technical feasibility and cost of monitoring for PM_{10} and $PM_{2.5}$ will necessarily be a consideration.
- sulphur dioxide, nitrogen oxides, volatile organic compounds, ammonia and particulate matter: many Part B sectors emit one or more of these pollutants
 - National Emissions Ceilings Directive (NECD): the revision of the NECD, 2001/81/EC, will set new emission ceilings to be met by 2020 for sulphur dioxide, nitrogen oxides, ammonia, and volatile organic compounds, and most probably for the primary emissions of $PM_{2.5}$ as well. The ceilings are intended to tackle transboundary air pollution problems, including acidification, eutrophication, and the formation of ground level ozone. A European Commission proposal is uncertain. It is anticipated that the ceilings in the Commission’s proposal may be challenging for the UK. In addition, the UK reported to the European Commission at the end of 2007 that on the basis of current evidence it was not expected that the 2010 national emission ceiling for NO_x would be met until 2013.
 - The UN Economic Commission for Europe Gothenburg Protocol sets ceilings for the same pollutants as NECD. Similar to

NECD, the Protocol is currently under review with a target to complete the revision by the end of 2009⁵ and will include discussion of tighter emissions ceilings for all the pollutants with the possible addition of a ceiling for particulate matter.

It is estimated that by 2010 the solvent use sector as a whole will be the largest single source of VOC emissions, which will be material if VOC reductions are needed to achieve VOC ceilings under the NECD or GP or to secure compliance with EU air quality targets or UK objectives for ozone. (There are currently no EU Limit Values, ie mandatory targets, for ozone, although the UK must demonstrate what actions it has in place to meet the EU Target Values.)

- heavy metals: to the extent that Part B installations have the potential for emissions of heavy metals, regard needs to be had to the UN Economic Commission for Europe Aarhus Protocol on Heavy Metals⁶. Work on revising this protocol may begin in 2009.
- persistent organic pollutants (POPs): to the extent that Part B installations have the potential for emissions of POPs, regard needs to be had to the United Nations Environment Programme Stockholm Convention on POPs⁷ and the UN Economic Commission for Europe Aarhus Protocol on POPs⁸.
- Air Quality Objectives: the new EU Air Quality Directive (2008/50/EC) which came into force in June 2008 consolidated existing air quality legislation, provided the possibility of extended compliance deadlines for existing EU air quality limit values (NO₂, PM₁₀ and benzene), and introduced a new set of controls for PM_{2.5}. As regards extended compliance deadlines, the directive provides for the possibility of postponing NO₂ limit values by a maximum of five years for a particular zone or agglomeration where conformity with the limit values cannot be achieved by 2010; and exemption from obligations to apply PM₁₀ limit values until three years after entry into force of the Directive where in a given zone or agglomeration conformity with the current limit values cannot be achieved because of site-specific dispersion characteristics, adverse climatic conditions or transboundary contributions. In both cases, Member States must apply to the Commission to take advantage of the extended deadlines, with an application(s) needing to demonstrate how conformity will be achieved by the new deadline. In applying the derogations, Member States must ensure that the limit value for each pollutant is not exceeded by more than the maximum margin of tolerance. The UK plans to submit an application for PM₁₀ in 2009 and an application for NO₂ in 2010.

The new PM_{2.5} controls have a target value of 25 µg/m³ to be met everywhere by 2010 (not legally binding), a limit value of 25 µg/m³ to be met everywhere by 2015, a limit value of 20 µg/m³ to be met on an average basis at background locations by 2015, and an exposure reduction target to be met at background locations by 2020 (not legally

⁵ http://www.unece.org/env/lrtap/multi_h1.htm

⁶ http://www.unece.org/env/lrtap/hm_h1.htm

⁷ <http://chm.pops.int/>

⁸ www.unece.org/env/lrtap/pops_h1.htm

binding) – the aim of exposure reduction is to force improvements across all urban areas rather than in a small number of hotspots. The European Commission will review these controls in 2013 with the possibility of this leading to a mandatory exposure reduction target and a legally binding limit value of 20 µg/m³ to be met everywhere by 2020. The UK will of course be involved in this review/decision-making process.

- climate change: in 2007 Defra commissioned a paper from AEA Energy and Environment looking at the trade-off between VOC abatement and climate change impacts, having regard among other things to the global warming potential of VOCs⁹. More recently, as a result of an Environment Agency case involving a permit for an incinerator at Newhaven, it is apparent that consideration should be given to CO₂ emissions. Government proposes to build on the first piece of work and take into account the second by building into the review an assessment of a) CO₂ emissions from Part B activities and any surrogate control measures (bearing in mind that energy efficiency as such is not covered by LAPPC), and b) the carbon impacts of measures to reduce air emissions.
- VOC-emitting sectors: the guidance has to date not sought to distinguish between the reactivity of different VOCs. However, some VOCs will have a significantly greater photochemical ozone creation potential (POCP) than others. This suggests that there may be scope in some sectors to look at substitution of the solvents used at present. Whether substitution constitutes BAT will depend on the availability of alternatives now or whether they could be developed, their cost and the cost of the transition to using them, their effectiveness for the purpose required, and evidence that the alternatives will have a lower impact (having regard also to their toxicity, global warming potential and ozone depletion potential).
- monitoring: there have been technical developments, and changes in UK and international standards since the guidance was last reviewed. The Government also considers it appropriate at this juncture to review generally whether the notes strike the right balance between the amount of monitoring required and the benefits derived from the monitoring information obtained – both in terms of the reliability of the information and the use to which it is put by regulators. The review would also need to ensure that a consistent approach is taken to monitoring in all the notes to the extent that differences between sectors do not warrant an alternative approach.
- sustainable consumption and production (SCP): as with carbon impacts, there should be awareness in carrying out the review of both whether any provisions in the notes have a negative impact from an SCP perspective, and also whether there are opportunities for SCP gains. The guidance cannot include measures as statutory guidance

which are beyond the statutory remit of air emissions control, but could provide background information for business benefit.

- the role of guidance in promoting new and emerging techniques: the General Guidance Manual (paragraph 2.9) set out two aspects to the 'availability' test under BAT, which relate to the balance of costs and advantages and whether a particular technique can be obtained. The PG notes can also have a role of promoting new and emerging techniques by providing an environment for innovation both in terms of developing new end-of-pipe or cleaner technologies, or of reducing the costs of existing technology. For example, the solvent PG notes in the 1990s provided a spur to the development of new, low-solvent coatings. And the introduction of mercury abatement provisions for crematoria has led manufacturers to look at using abatement plant linked to more than one cremator, which should reduce compliance costs. It is proposed that these considerations should also be taken into account in the review, having regard to cost and competition implications for affected industries and any benefits to the environmental technology sector.
- whether the sector in question is suited to a simplified permitting approach, as discussed in the Better Regulation Review consultation paper which is being issued at the same time as this consultation.

Q6. do you agree that the review as a whole should focus on particular cross-cutting issues, with generally a less extensive consideration of sector-specific developments?

Q7. do you agree the list of cross-cutting issues in paragraph 26?

Scope and nature of any review – conducting the reviews

27. Previous reviews have been conducted in the way that is described in Chapter 33 of the General Guidance Manual:

Each guidance note is drawn up using the following approach:

- Defra, WAG and the Scottish Government set the broad policy parameters and maintain management oversight over the whole review programme;
- for each guidance note, the Environment Agency's Local Authority Unit (LAU) identify key trade bodies (including those representing the environmental industry sector) and find local authorities who regulate installations in that sector. These are then treated as the Technical Working Group (TWG) for the guidance note;
- the LAU will engage TWG members in the drafting or revision of the note – typically by means of at least one meeting, and by circulation of drafts of the note. The LAU will visit example installations where they consider it beneficial;
- the LAU will consult Defra, WAG and the Scottish Government, during the course of this work as they consider necessary;

- the TWG stage will conclude when the LAU considers it has examined fully all the views of members and has produced a draft with which the LAU is satisfied even if some TWG members continue to disagree;
- Defra, WAG and the Scottish Government will then consider the draft and conduct a final 8-week written consultation with TWG members and wider interests (including industry representative bodies such as the CBI and Federation of Small Businesses, with environmental groups, and with local authority representative organisations);
- Ministers will approve the final text for publication having considered all responses to this final written consultation and appropriate amendments having been made;
- the guidance will be kept under continual review – primarily through the feedback from the LAU and Defra, WAG and SEPA helpline functions. Amendments can be made at any time. This amendment process has hitherto been achieved by issuing so-called additional guidance (AQ) notes which are published on the Defra web site. With the next generation of PG notes it intended that they will be published and updated on line. Local authorities and relevant sector trade bodies are consulted where appropriate on such amendments and informed when they are published.

28. In Government's view this has proved successful in engaging with stakeholders throughout the guidance production/review process. The only difficulties Government is aware of have been in ensuring that regulators are adequately represented on all technical working groups. This was raised at the July 2008 meeting of the Industrial Pollution Liaison Committee¹⁰ and Government proposes to raise the matter further with the Local Authority Coordinators of Regulatory Services, the Chartered Institute of Environmental Health, and the Association of Port Health Authorities. One option would be for these organisations to assist with reinvigorating some of the so-called regulators 'link' groups, which provide the basis for regulators responsible for installations within the same industry sector to network with one another in ways they find most beneficial.

29. It is essential to the success of this production model that business representatives (normally trade bodies or their delegates) engage fully, by providing information and being available to discuss or comment on possible guidance note changes. Government is grateful for the engagement there has been in the past and would encourage continued partnership working for the proposed 6-year review. Confirmation that the trade bodies are able to fully reflect the views of their SME members would be welcome. It is additionally valuable to have input from the environmental industry sector – in particular, up-front information about available techniques, their costs and performance and applicability to different sectors.

30. The Local Authority Unit will develop any proposals for changes to BAT-related provisions based mainly on discussions with industry, regulators

¹⁰ a committee of representatives of UK regulators of Part B and A2 installations, chaired by Defra. Papers and minutes of the committee can be found at <http://www.defra.gov.uk/environment/ppc/localauth/meetings/iplc/index.htm>

and other interested parties, and factory visits. The LAU has over several years developed a wide range of contacts which enable it to keep abreast of developments. Another input will be the EU Bref notes (but bearing in mind that they are not written specifically with LAPPC scale and type of installations in mind). And since the last review the LAU has forged closer links with the unit within the Environment Agency which produces the Agency's A1 guidance notes, and it is hoped that these synergies will be of mutual benefit.

Q8. do you agree that the reviews should be conducted in the same way as previous reviews?

Q9. do you consider that these arrangements will adequately capture the views of SMEs? If not, what additional arrangements do you suggest?

Q10. would your organisation like to participate in the reviews? If so, in relation to which particular notes and can you please provide an up-to-date contact (name, email and phone)?

Scope and nature of any review – status of published guidance during reviews

31. Extant published guidance will remain the statutory guidance to which local authorities in England and Wales must have regard while any note is being reviewed. (It does not have the status of statutory guidance in Scotland.) From the experience of previous reviews, Government realises the inevitable uncertainty that can be caused by a review, and recognise that information about discussions of proposed changes, sometimes at quite early stages, can be acquired by some parties (often on the business side) and not by others (regulators). Because of the scale of the exercise, it would not be practicable to circulate all early drafts of reviewed guidance notes, or copy all minutes of possible changes throughout the process of reviewing the notes. The intention is to publish on the LAU website draft revised notes once they have reached a sufficiently developed stage, and the final Government consultation will result in copies being available on the Defra website. Where any stakeholder is told by another party of forthcoming changes and wants to know what is happening, they should send an email to control.pollution@defra.qsi.gov.uk with details, and this will be answered either by Defra, WAG or the Local Authority Unit.

32. Emerging revised guidance will have a higher status in determining BAT the closer it gets to final publication. In the initial stages any proposals will be essentially those of the Local Authority Unit (based on the principles finalised following this consultation) and therefore should only be treated as an indication of direction of travel. At the final Government consultation stage, the documents will have been approved by Ministers for publication for comment, so will carry a greater weight, but do not at this stage supplant the existing published note because a) to do so would undermine the purpose of the consultation stage, and b) they will not have been approved by Ministers as the replacement statutory guidance

Q11. do you agree the proposed mechanisms for sharing information with all interests during each review?

Q12. do you agree the status of the published and emerging guidance during the reviews?