

General Guidance Manual on Policy and Procedures for A2 and B Installations

Part B of Manual

Annexes

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Annex I Glossary of Terms

The following list aims to provide brief explanations of many of the words, phrases and acronyms to which particular meanings are attached in IPPC.

The information given is general and abbreviated in nature. In considering the precise meaning of any of the entries, therefore, the definitive source should be consulted. Some of the more important expressions are also discussed in more depth in **Annex III**.

Activity	An activity listed in Part 2 of Schedule 1 to the EP Regulations which will form part of an EP installation or be a mobile plant
Air	Includes air within buildings and air within any other natural or man-made structures above and below ground (section 1(2) of the PPC Act 1999)
Appeal	The opportunity provided for the operator to dispute certain actions or decisions by the local authority, by appealing to the Secretary of State/Welsh Ministers – see Chapter 30
Application	A submission made by an operator to a local authority to seek the grant of a permit (see Chapters 5 and 7), surrender of a permit (see Chapters 18 and 19), variation of the conditions of a permit (see Chapter 24) or transfer of a permit (see Chapter 25)
Available Techniques	In connection with BAT, those techniques developed on a scale which allow implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible to the Operator (see Chapter 12 and Annex VIII)
BAT	The main basis for determining standards under the EP Regulations, and defined as the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing in principle the basis for ELVs designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole – see Chapter 12 plus separate definitions for Best, Available and Techniques (Chapter 12 and Annex VIII)
Best	In relation to ‘techniques’ in BAT, the most effective in achieving a high general level of protection of the environment as a whole (Chapter 12 and Annex VIII)
BREF Notes	BAT Reference Notes – documents – typically of some 500 pages or more - published by the European Commission which follow from an exchange of information on BAT between the

	Member States – see Chapter 12 of the Manual and http://eippcb.jrc.es/
Capacity	See Annex III
Change in Operation	In relation to an installation or mobile plant, a change in its nature or functioning or an extension which may have consequences for the environment – see Chapter 24 of the Manual
COMAH	Control of Major Accident Hazards – the subject of an EC Directive and domestic Regulations applicable to industrial sites, some of which will also fall under IPPC – see Chapter 20
Commercial confidentiality	An operator may request certain information in relation to a LA-IPPC or LAPPC permit to remain confidential for commercial reasons, ie not be placed on the public register. The onus is on the operator to provide a clear justification for each item he or she wishes to be kept from the register. The exceptions are very limited where information relates to emissions – see Chapter 8
Contaminated land	Land determined to be contaminated under Part IIA of the Environmental Protection Act 1990 – see Chapter 18
Determination	The process by which a local authority decides whether or not to grant the request sought by an operator in an application, for example by issuing a permit with appropriate conditions or by refusing the permit – see Chapters 6 and 7
Defra	Department for Environment, Food and Rural Affairs (the PPC web pages are here)
Duly-made	A condition that an application must satisfy by being sufficiently complete in a legal sense before determination is possible – see Chapters 6 and 7
EC/EU	European Community/ European Union. EU law can be accessed via http://europa.eu.int/eur-lex/lex/en/index.htm
EIA	Environmental Impact Assessment
ELV	Emission Limit Value – the mass, concentration or level of an emission which may not be exceeded over a given period (or under specified conditions).
Emission	For Part A installations, the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources into the air, water and land. For Part B installations, the direct release of substances or heat from individual or diffuse sources into the air (EP regulation 2(1) which also defines ‘emission’ in relation to mobile plant)

Enforcement notice	A notice served by a local authority to enforce compliance with the permit conditions or require remediation of any harm following a breach of any condition – see Chapter 13 and EP regulation 36
Environment Agency	A non-departmental public body formed under the Environment Act 1995 – the Agency is the regulator for Part A(1) Installations in England and Wales
EPA 1990 Pt I	Part I of the Environmental Protection Act 1990
E-PRTR	European Pollutant Release Transfer Register – see Chapter 37
EP Regulations (EPR)	The Environmental Permitting (England and Wales) Regulations 2010, statutory instrument (SI) number 2010/675
EQS	Environmental Quality Standard – see Chapter 15
Fees and charges	Amounts required to be paid by operators of Part A2 and B installations to local authorities in accordance with any charging scheme made by the Secretary of State/Welsh Ministers under EP regulation 65
Further information notice (FIN)	A notice issued under paragraph 4 of Schedule 5 to the EP Regulations asking for more information to be provided at application stage
Holding company	Section 1159(1) of the Companies Act 2006 is as follows: (1) A company is a “subsidiary” of another company, its “holding company”, if that other company- (a) holds a majority of the voting rights in it, or (b) is a member of it and has the right to appoint or remove a majority of its board of directors, or (c) is a member of it and controls along, pursuant to an agreement with other members, a majority of the voting rights in it, or is a subsidiary of a company that is itself a subsidiary of that other company
IED – Industrial Emissions Directive	The Industrial Emissions Directive must be transposed into UK law by 7 January 2013. It combines the IPPC, SED, WID, large combustion plants, and titanium dioxide directives. The March-June 2012 consultation on proposals for transposition can be found here
Installation	A stationary technical unit where one or more activities listed in Part 2 of Schedule 1 to the EP Regulations are carried out and any other location on the same site where any other directly-associated activities are carried out. and any activities that are technically linked. The terms ‘regulated facility’ and ‘installation’

	are, in effect, interchangeable for A(2) and B activities. (See also Chapter 2.)
IPPC	Integrated Pollution Prevention and Control – a general term used to describe the Regulatory regime applied to Part A installations under the PPC Regulations which give effect to the IPPC Directive
IPPC Directive	Directive 2008/1/EC concerning Integrated Pollution Prevention and Control. This will be superseded by the Industrial Emissions Directive
LA-IPPC	Local authority IPPC – a general term for the Part A2 regime which regulates the full range of IPPC impacts from installations listed under “Part A(2) in Part 2 of Schedule 1 to the EP Regulations
LAPC	Local Air Pollution Control – a regime introduced under Part I of the EPA 1990 alongside IPC, and carried over (with some modifications) to co-exist alongside IPPC as implemented under the PPC Regulations
LAPPC	Local authority pollution prevention and control - a general term for the Part B regime which regulates only emissions to air from installations carrying on activities listed in Part 2 of Schedule 1 to the EP Regulations
Local authority (LA)	In relation to <u>Part B</u> activities and installations, ‘local authority’ means district, borough and unitary councils, including county councils and county borough councils in Wales, the Council of the Isles of Scilly, and port health authorities constituted under section 2 of the Public Health (Control of Diseases) Act 1984. In relation to <u>Part A2</u> activities and installations, it means all of the above with the exception of port health authorities. (See EP regulation 6.) Contacts for local authorities here
Local Authority Unit (LAU)	this is a small unit located in the Environment Agency, but including technical input from the Scottish Environment Protection Agency. It is dedicated to providing technical advice to Defra and WAG in support of LA-IPPC and LAPPC, and prepares the sector and process guidance notes in line with Defra/WAG policy (see in particular para 33.16 of the Manual). Contact: lau@environment-agency.gov.uk . Also webpage
Operator	The person who has control over the operation of the installation/regulated facility (EP regulation 7 and Manual paragraphs 2.38-9)
Part A activity	An activity listed for control under IPPC by Part 2 of Schedule 1 to the EP Regulations and subject to integrated pollution prevention and control regulated by either the Environment Agency (A1) or local authorities (A2)

Part A1 activity	Written A(1) in the EP Regulations - an activity listed under Part A(1) of Part 2 of Schedule 1 to the EP Regulations and subject to integrated pollution prevention and control by the Environment Agency
Part A2 activity	Written A(2) in the EP Regulations - an activity listed under Part A(2) of Part 2 of Schedule 1 to the EP Regulations and subject to integrated pollution prevention and control by the relevant local authority
Part A Installation	An installation carrying on either a Part A(1) or Part A(2) activity or activities
Part A1 Installation	Any installation comprising one or more Part A(1) activities. It includes such installations where a Part A(2) or Part B activity is also carried out (Schedule 1, Part 1 paragraph 2 of the EP Regulations). (Annex III of the Manual has a more detailed interpretation.)
Part A2 installation	An installation comprising one or more Part A(2) activities which is not a Part A(1) installation. It includes such installations where a Part B activity is also carried out (Schedule 1, Part 2, paragraph 2 of the EP Regulations). (Annex III of the Manual has a more detailed interpretation.)
Part B activity	An activity listed under Part B of Part 2 of Schedule 1 to the EP Regulations and subject to air pollution regulation by the relevant local authority
Part B installation	An installation comprising one or more Part B activities which is not a Part A installation. (Annex III of the Manual has a more detailed interpretation.)
Permit	A permit granted under EP regulation 13 by a local authority allowing the operation of an installation subject to certain conditions
Pollution	Any emission as a result of human activity which may be harmful to human health or the quality of the environment, cause offence to any human senses, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment (EP regulation 2(1))
PPC Act (PPCA)	The Pollution Prevention and Control Act 1999 , under which the PPC Regulations and the EP Regulations are made
Production capacity	See Annex III of the Manual
Public registers	Registers maintained by regulators containing information on EP installations – see Chapter 29 of the Manual and Part 5 (regulations 45-56) of the EP Regulations

The PPC Regulations	The Pollution Prevention and Control (England and Wales) Regulations 2000 (SI 2000/1973), as amended several times.
Regulated facility	<p>The collective term used in the EP Regulations for:</p> <ul style="list-style-type: none"> ▪ an installation (which carries out the activities listed in Part 2 of Schedule 1 to the EP Regulations and any associated activities) ▪ a waste operation, or ▪ a mobile plant (carrying out either one of the Schedule 1 activities or a waste operation) <p>See Chapter 2 and Annex III of the Manual</p>
Regulator	The body responsible for applying the environmental permitting regime. The Environment Agency is the regulator for a Part A(1) installation, while the relevant local authority is the regulator for a Part A(2) or Part B installation, unless a direction is issued to change the regulator in a particular case or set of cases
Revocation notice	A notice served by the regulator under EP regulation 22 revoking all or part of a permit – see Chapter 28
The Secretary of State	The Secretary of State for Environment, Food and Rural Affairs
SED	The Solvent Emissions Directive
Substantial change	See Chapter 24 and Annex III of the Manual
Suspension notice	A notice served by a local authority under EP regulation 37 which results in a permit ceasing to authorise the operation of the entire installation or specified activities, until remedial action has been taken against a risk of serious pollution – see Chapter 28
Techniques	In connection with BAT, includes both the technology used and the way in which the Installation is designed, built, maintained, operated and decommissioned (see Chapter 12 and Annex VIII)
Variation notice	A notice served by a local authority under EP regulation 20 varying the conditions or other provisions of a permit – see Chapter 24
WG	The Welsh Government
WID – Waste Incineration Directive	Most incineration plant must comply with the Waste Incineration Directive . Guidance on WID is here

Annex II Useful websites, contacts, and list of guidance notes

Useful websites

Department for Environment, Food and Rural Affairs homepage	http://www.defra.gov.uk
Environment Agency homepage	http://www.environment-agency.gov.uk/
Environment Agency cross-sector technical guidance	http://www.environment-agency.gov.uk/business/topics/permitting/36414.aspx
UK statutory instruments on the Office of Public Sector Information website	http://www.legislation.gov.uk/browse/uk
EU Bref note bureau	http://eippcb.jrc.es/
EU legislation	http://europa.eu/documentation/legislation/index_en.htm
Industrial Pollution Control by Local Authorities (Defra website)	http://www.defra.gov.uk/environment/quality/industrial/las-regulations/
LA-IPPC and LAPPC charging scheme (Defra website)	http://www.defra.gov.uk/environment/quality/industrial/las-regulations/charges-risk/
UK Air Quality Strategy	http://www.defra.gov.uk/environment/quality/air/air-quality/
Environmental Quality Standards (water)	http://www.environment-agency.gov.uk/research/planning/40295.aspx
Air Quality Management Areas	http://laburnum.aeat.co.uk/archive/laqm/laqm.php
Envirowise/Wrap	http://envirowise.wrap.org.uk/

Useful contacts

Local Government Association	http://www.lga.gov.uk/lga/core/page.do?pageld=1 and former LG Reg website http://www.lacors.gov.uk/lacors/home.aspx
Environment Agency	http://www.environment-agency.gov.uk/contactus/?lang=e
Department for Environment, Food and Rural Affairs (Defra) <ul style="list-style-type: none"> for enquiries about the Regulations and policy/procedural matters 	for up-to-date contacts see: http://www.defra.gov.uk/corporate/contacts/ as at March 2012, contact: Tel: 020 7238 1693/5380 control.pollution@defra.gsi.gov.uk
Environment Agency Local Authority Unit (LAU) <ul style="list-style-type: none"> for technical enquiries only 	for up-to-date contacts see: http://www.environment-agency.gov.uk/business/topics/permitting/36421.aspx as at March 2012 contact: lau@environment-agency.gov.uk
Welsh Government (WG) <ul style="list-style-type: none"> for enquiries about the Regulations and policy/procedural matters 	for up-to-date contacts see: http://wales.gov.uk/contact_us/?lang=en as at April 2011 contact: Tel: 029) 2046 6174
Information on climate change levy and agreements	http://www.decc.gov.uk/en/content/cms/what_we_do/consumers/saving_energy/analysis/analysis.aspx

Guidance

All the following guidance notes and the 2009-12 review programme are on Defra's [website](#) .

Defra guidance on the Local Authority Pollution Control (LAPC) regime consists of:

- a short, simple 3-page guide to LAPC

- a statutory General Guidance Manual which sets out the procedures and policy
- statutory process guidance (PG) notes which set out the Secretary of State's view on what constitutes Best Available Techniques for each of the main sectors regulated to control their air emissions (so-called "Part B" activities)
- statutory sector guidance (SG) notes which do the same for the sectors regulated under integrated pollution prevention and control (so-called "A(2)" activities)
- a set of additional guidance (AQ) notes covering various other issues
- miscellaneous other guidance.

Short guide to LAPC

- [Short guide to the EP Regulations](#) (Word 80 KB) – October 2010
- [Short guide to the EP Regulations](#) (PDF 40 KB) – October 2010

General Guidance Manual

- [Manual Part A](#) (PDF 1.8 MB)
- [Manual Part B, Annexes](#) (PDF 2.5 MB)
- [Manual Part C \(Application forms\) and Part D \(Specimen notices and consultation letter\)](#) (PDF 1.3 MB)
- [Manual Parts C and D](#) (Word 680 KB)

Guidance on pre-application discussions is in paragraph 4.19 of Part A of the Manual.

Process Guidance notes (PG notes)

All Notes are headed 'Secretary of State's Guidance for Local Air Pollution Control (LAPC) and Local Authority Pollution Prevention and Control (LAPPC)'. The heading specifies the name of the individual process and the reference number (eg 6/23(04)), as listed below.

Animal and Vegetable Processing sectors:

- [PG6/27\(05\)](#) – Vegetable matter drying processes (PDF 175 KB)
- [PG 6/5 \(05\)](#) – Maggot breeding (PDF 250 KB)
- [PG 6/12 \(05\)](#) – Sausage casings (PDF 130 KB)
- [PG 6/19 \(05\)](#) – Fish meal processing (PDF 160 KB)
- PG 6/21 (96) – Hide and skin Processes. Please contact Defra's LAPC team direct for a copy. Contact details are available in [AQ note 20-06](#).
- [PG 6/24a \(05\)](#) – Wet pet food manufacture (PDF 135 KB)
- [PG 6/24b \(05\)](#) – Dry pet food manufacturing Processes (PDF 260 KB)
- [PG 6/26 \(05\)](#) – Animal feed compound (PDF 150 KB)
- [PG 6/30 \(Jan 06\)](#) – Mushroom substrate manufacture (PDF 715 KB)
- [PG 6/36 \(Jan 06\)](#) – Tobacco processes (PDF 1 MB)

Combustion and Incineration:

- [PG 1/3 \(95\)](#) – Boilers and furnaces, 20-50 MW net rated thermal input (non-consolidated unofficial version with additional guidance (PDF 60 KB) [AQ23 \(04\)](#))
- [PG 1/4 \(11\)](#) – Gas turbines, 20-50 MW net rated thermal input
- [PG1/1 \(04\)](#) – Waste oil and recovered oil burners less than 0.4MW (PDF 330 KB)
- [PG1/02 \(05\)](#) - Waste oil or recovered oil burners, 0.4-3 MW net rated thermal input (PDF 55 KB)
- [PG1/05 \(95\)](#) – Compression ignition engines, 20-50 MW net rated thermal input (unofficial version)(PDF 60 KB)
- [PG1/12 \(12\)](#) – Combustion of fuel manufactured from of comprised from solid waste in appliances (PDF 455 KB)
- [PG5/2 \(12\)](#) – Crematoria (PDF 550 KB)
- [PG5/3 \(04\)](#) – Animal carcase incineration (PDF 430 KB)

Minerals sector:

- [PG 3/01 \(04\)](#) – Blending, packing, loading, unloading and Use of Bulk Cement (PDF 515 KB)
- [PG 3/02 \(04\)](#) – Manufacture of heavy clay goods and Refractory Goods (PDF 515 KB)
- [PG 3/04 \(04\)](#) – Lead glass, glass frit and enamel frit manufacturing processes (PDF 420 KB)
- [PG 3/05 \(04\)](#) – Coal, coke, coal product and petroleum coke (PDF 500 KB)
- [PG 3/06 \(04\)](#) – Polishing or etching glass or glass products using hydrofluoric acid (PDF 380 KB)
- [PG 3/07 \(04\)](#) – Exfoliation of vermiculite and expansion of perlite (PDF 465 KB)
- [PG 3/08 \(04\)](#) – Quarry processes (PDF 470 KB)
- [PG 3/12 \(04\)](#) – Plaster processes (PDF 530 KB)
- [PG 3/13 \(95\)](#) – Asbestos processes (non-consolidated with additional guidance (PDF 60 KB) [AQ15\(04\)](#))
- [PG 3/14 \(04\)](#) – Lime processes (PDF 490 KB)
- [PG 3/15a \(04\)](#) – Roadstone coating processes (PDF 600 KB)
- [PG 3/15b \(04\)](#) – Mineral drying and cooling (PDF 600 KB)
- [PG 3/16 \(04\)](#) – Mobile crushing and screening (PDF 430 KB)
- [PG 3/17 \(04\)](#) – China and ball clay processes including spray drying of ceramics (PDF 665 KB)
- [PG 6/02 \(04\)](#) – Manufacture of timber and wood-based products (PDF 400 KB)
- [PG 6/29 \(04\)](#) – Di-isocyanate proceses (PDF 400 KB)

Metals sector:

- [PG2/01 \(04\)](#) – Furnaces for the extraction of non-ferrous metal from scrap (PDF 420 KB)
- [PG2/02 \(04\)](#) – Hot dip galvanizing processes (PDF 450 KB)
- [PG2/03 \(04\)](#) – Electrical, crucible and reverberatory furnaces (PDF 450 KB)

- [PG2/04 \(04\)](#) – Iron, steel and non-ferrous metal foundry processes (PDF 640 KB)
- [PG2/05 \(04\)](#) – Hot and cold blast cupolas, and rotary furnaces (PDF 520 KB)
- [PG2/06a \(04\)](#) – Processes melting and producing aluminium and its alloys (PDF 430 KB)
- [PG2/06b \(04\)](#) – Processes melting and producing magnesium and its alloys (PDF 410 KB)
- [PG2/07 \(04\)](#) – Zinc and zinc alloy processes (PDF 415 KB)
- [PG2/08 \(04\)](#) – Copper and copper alloy processes (PDF 520 KB)
- [PG2/09 \(04\)](#) – Metal decontamination processes (PDF 500 KB)
- [PG4/01 \(04\)](#) – Surface treatment of metal processes (PDF 430 KB)
- [PG6/35 \(96\)](#) – Metal and other thermal spraying processes (unofficial version) (PDF 75 KB)

Organic chemicals sector:

- [PG4/02 \(05\)](#) – Fibre reinforced plastics (PDF 140 KB)

Petroleum and powder coating sector:

- [1/13 \(04\)](#) – Storage, unloading and loading petrol at terminals (PDF 715 KB)
- [1/14 \(06\)](#) – Unloading of petrol into storage at petrol stations (PDF 300 KB)
- [6/9 \(04\)](#) – Manufacture of coating powder (PDF 380 KB)
- [6/31 \(04\)](#) – Powder coating including sherardizing and vitreous enamelling dry (PDF 410 KB)
- [6/42 \(04\)](#) – Bitumen and tar processes (PDF 470 KB)

Solvents sector:

See also: [Solvent process guidance notes not included as part of the 2009-12 review](#).

- [6/03 \(11\)](#) – Chemical treatment of timber and wood-based products (PDF 690 KB)
- [6/07 \(11\)](#) – Printing and coating of metal packaging (PDF 1 MB)
- [6/08 \(11\)](#) – Textile and fabric coating and finishing (PDF 1 MB)
- [6/13 \(04\)](#) – Coil coating (PDF 1 MB)
- [6/14 \(11\)](#) – Film coating (PDF 1 MB)
- [6/15 \(11\)](#) – Coating in drum manufacturing and reconditioning (PDF 1 MB)
- [6/16 \(11\)](#) – Printing (PDF 1.1 MB)
- [6/17 \(11\)](#) – Printing of flexible packaging (PDF 1.1 MB)
- [6/18 \(11\)](#) – Paper coating (PDF 1 MB)
- [6/20 \(11\)](#) – Paint application in vehicle manufacturing (PDF 1 MB)
- [6/22 \(04\)](#) – Leather finishing (PDF 1 MB)
- [6/23 \(11\)](#) – Coating of metal and plastic (PDF 1 MB)
- [6/25 \(04\)](#) – Vegetable oil extraction and fat and oil refining (PDF 1 MB)
- [6/28 \(11\)](#) – Rubber (PDF 1 MB)

- [6/32 \(11\)](#) – Adhesive coating including footwear manufacturing (PDF 1 MB)
- [6/33 \(11\)](#) – Wood coating (PDF 1 MB)
- [6/34 \(11\)](#) – Respraying of road vehicles (PDF 520 KB) – revised October 2006
- [AQ note amending PG6/35 \(96\)](#) on Metal and other thermal spraying processes (PDF 80 KB)
- [6/40 \(11\)](#) – Coating and recoating of aircraft and aircraft components (PDF 1 MB)
- [6/41 \(11\)](#) – Coating and recoating of rail vehicles (PDF 1 MB)
- [6/43 \(11\)](#) – Formulation and finishing of pharmaceutical products (PDF 1 MB)
- [6/44 \(11\)](#) – Manufacture of coating materials (1.02 MB)
- [6/45 \(11\)](#) – Surface cleaning (PDF 920 KB)
- [6/46 \(11\)](#) – Dry cleaning (PDF 480 KB)
- [6/47 \(11\)](#) – Original coating of road vehicles and trailers (replaces PG 6/34a (06))

6-year review of PG notes

All the PG notes are being reviewed and this will be completed by the end of 2012. Existing published PG notes remain the statutory guidance to which local authorities must have regard while any note is being reviewed. Paragraphs 31 and 32 of the [consultation paper](#) (PDF 80 KB) on the 6-year review explain the status of draft notes emerging from the 6-year review.

- [6-year review of PG notes](#)

Sector Guidance notes (SG notes)

All Notes are headed 'Integrated Pollution Prevention and Control' followed by the date of publication and then 'Secretary of State's Guidance for the A2 XXXX Sector'. The reference number (eg SG3) is also given.

- [IPPC SG1](#) – Secretary of State's Guidance for the Particleboard, Oriented Strand Board and Dry Process Fibreboard Sector (September 2006) (PDF 600 KB)
- [IPPC SG2](#) – Secretary of State's Guidance for the A2 Glassmaking Sector (revised 31 October 2006) (PDF 300 KB)
- [IPPC SG3](#) – Secretary of State's Guidance for the A(2) Ferrous Foundries Sector (January 2006) (PDF 1 MB)
- [IPPC SG4](#) – Secretary of State's Guidance for A(2) Activities in the Non-ferrous Metals Sector (January 2006) (PDF 1 MB)
- [IPPC SG5](#) – Secretary of State's Guidance for the A2 Galvanising Sector (September 2006) (PDF 500 KB)
- [IPPC SG6](#) – Secretary of State's Guidance for the A2 Surface Treatment Using Organic Solvents Sector (February 2011) (PDF 2.3 MB)

- [IPPC SG7](#) – Secretary of State’s Guidance for the A2 Ceramics Sector including Heavy Clay, Refractories, Calcining Clay and Whiteware (September 2007) (PDF 700 KB)
- [IPPC SG8](#) – Secretary of State’s Guidance for the A2 Rendering Sector (November 2008) (Revised December 2008) (PDF 300 KB)
- [IPPC SG9](#) – Secretary of State’s Guidance for A2 Roadstone Coating, Mineral and Other Processes that Burn Recovered Fuel Oil (April 2005) (PDF 1.2 MB)
- [IPPC SG10](#) – Secretary of State’s Guidance for the A2 Animal carcass incineration with capacity of less than 1 tonne per hour (PDF 300 KB).

The GGM, and PG and SG notes, are either issued under regulation 64 of the Environmental Permitting Regulations or shall be taken to have been issued under that regulation.

All PG and SG notes are written in consultation with relevant stakeholders, including appropriate trade associations.

The latest state of play on EU BAT Reference (BREF) guidance, and copies of available guidance notes, can be found [here](#).

AQ Notes

AQ notes are generally brief items of additional guidance published as the need arises to address procedural, legal or technical issues that arise and sometimes to amend or expand existing guidance.

Most AQ notes published before January 2008 have been superseded by, or incorporated in, this revised Manual, or had only a short lifespan. The following is a list of those which remained relevant and in force as at April 2011.

2010

- AQ01 (10): Categories of process regulated by local authorities (by PG and SG note.
- [Covering note](#) (PDF 80 KB)
- [Installations where PG note relates to primary activity](#) (PDF 1 MB)
- [Installations where PG note relates to secondary activity](#) (PDF 1 MB)
- [Installations where SG note relates to primary activity](#) (PDF 75 KB)
- [Installations where SG note relates to secondary activity](#) (PDF 10 KB)

2009

- [AQ01 \(09\): Extension of Risk Based Regulation to Reduced Fee Activities, Mobile Plant and Gas Odourisers: Amendments to Six Process Guidance Notes](#) (PDF 115 KB)

2008

- [AQ06 \(08\): Regulation of biodiesel production](#) (PDF 35 KB)
- [AQ05 \(08\): Petrol vapour recovery at service stations: explanatory notes on the use of orifice vent devices, pressure vacuum relief valves and applications for stage II](#) (PDF 50 KB)
- [AQ04 \(08\): Defra / TSA Dry Cleaning Spreadsheet](#) (PDF 205 KB)
- [AQ03 \(08\): HAZRED guidance](#) (PDF 430 KB)
- [AQ02 \(08\): Dry Cleaners: Whether pump out or rake out](#) (PDF 425 KB)

2007

- [AQ21\(07\): Enforcing Compliance with the Solvent Emissions Directive](#) (PDF 180 KB)
- [AQ20 \(07\): Zinc and ammonia releases from galvanizing installations](#) (PDF 280 KB)
- [AQ17 \(07\): roadstone coating plant](#) (PDF 40 KB) (Document first made available in July 2007, amended August 2007)
- [AQ14 \(07\): dry cleaning – SLEAT Code of Practice](#) (PDF 251 KB)
- [AQ12 \(07\): sulphur content of liquid fuels regulations](#) (PDF 205 KB)
- [AQ8 \(07\): review of waste management licensing exemptions](#) (PDF 25 KB)
- [AQ6 \(07\): limited review of PGs 3/14, 3/15a, 3/15b and 3/17](#) (PDF 30 KB)
- [AQ2 \(07\): sulphur content of liquid fuels](#) (PDF 30 KB)
- [AQ1 \(07\): fuel switching](#) (PDF 30 KB)

2006

- [AQ21 \(06\): chimney height calculation helpline](#) (PDF 35 KB)
- [AQ20 \(06\): Contact details of the Defra Local Authority Industrial Pollution Control Policy Team and associated other contacts details](#) (Document first made available in May 2007, amended July 2008) (PDF 30 KB)
- [AQ17 \(06\): Small Waste Oil Burners and the Waste Incineration Directive](#) (PDF 100 KB)
- [AQ 10 \(06\): PG 6/46 \(04\): Spillage Trays and Bunds at Dry Cleaning Installations](#) (PDF 35 KB)
- [AQ 8 \(06\): The Buncefield Explosion + PG1/13\(04\)](#) (PDF 30 KB)
- [AQ 1 \(06\): Amendment to PG6/35\(96\): Metal and Other Thermal Spraying Processes](#) (PDF 80 KB)

2005

- [AQ16\(05\): Calculation of solvent consumption for dry cleaners](#)
- [AQ12\(05\): PG5/2\(04\): Well-maintained cremators](#)
- [AQ7\(05\): Additional Guidance for installations using waste oil](#)
- [AQ6\(05\): A\(2\) incineration activities: used cooking oil](#)

2004

- [AQ32\(04\): Small service stations](#)

- [AQ30\(04\): SED Determination of Compliance with Reduction Scheme \(Excel 55 KB\)](#)
- [AQ25\(04\): Wood Coating, PG 6/33\(04\)](#)
- [AQ24\(04\): Amendments of PG 1/4\(95\) Gas Turbines, 20-50 MW Net Thermal Input](#)
- [AQ23\(04\): Amendments of PG 1/3\(95\) Boilers and Furnaces, 20-50 MW Net Rated Thermal Input](#)
- [AQ21\(04\): Printing Processes \(PG6/16\(04\)\)](#)
- [AQ16\(04\): Performance Standards for enquiries](#)
- [AQ15\(04\): Amendment to PG3/13\(95\): Asbestos Processes](#)
- [AQ10\(04\): Addendum to SG7:SOS's guidance for the A2 Ceramics sector including heavy clay, refractories, calcining clay and whiteware](#)
- [AQ4\(04\): Classification of animal feed compounding, vegetable matter drying and pet food manufacturing](#)
- [AQ3\(04\): Environmental Management Systems \(EMS\)](#)

Former AQ notes now incorporated in the GGM

Number	Location in GGM (chapter, para no, or annex)
AQ21(07)	34.17
AQ15(07)	34.16
AQ13(07)	23.5, annex X
AQ7(07)	chapter 33
AQ3(07)	chapter 34
AQ23(06)	annex X
AQ13(06)	18.34+5, 19.4+5, 28.21
AQ12(06)	25.12-14
AQ7(06)	28.36, annex XII
AQ2(06)	11.20+1
AQ23(05)	annex XVIII
AQ21(05)	34.15
AQ19(05)	2.35-37
AQ18(05)	annex X
AQ15(05)	27.25-9
AQ14(05)	chapters 6 + 9, annex V
AQ11(05)	chapter 10, 22.8-10
AQ9(05)	32.11-16
AQ8(05)	chapter 9
AQ28(04)	chapter 34, annex XX
AQ27(04)	chapter 9
AQ22(04)	13.18-20, 28.8+9
AQ13(04)	chapter 33
AQ12(04)	27.30-45
AQ11(04)	annex VII
AQ9(04)	34.14
AQ8(04)	annex VII
AQ17(03)	annex XVII
AQ14(03)	chapter 9

AQ13(03)	18.27+8
AQ12(03)	chapter 10
AQ9(03)	chapter 9
AQ5(02)	28.31
AQ1(02)	28.37-40
AQ2(01)	annex X

Other guidance

- A separate series of [guidance notes](#) has been published by Defra's Environmental Permitting Programme. All procedural and policy guidance directly relevant to Local Authority Pollution Control should, however, be contained in the General Guidance Manual.
- The [Environment Agency](#) publishes a wide range of guidance.
- Guidance produced by [Envirowise/Wrap](#) can often be useful.

Annex III Definitions

The following information summarises and interprets some of the key terms that are relevant to LA-IPPC and LAPPC. Where appropriate, reference should also be made to the EP Regulations and other legislation for precise legal definitions. A more general glossary is provided in **Annex I**.

Definitions relating to installations, mobile plants and operators

“Operator”

EP regulation 7 defines an “operator” as “(a) the person who has control over the operation of a regulated facility; (b) if a regulated facility has not been put into operation, the person who will have control over the facility when it is put into operation; or (c) if a regulated facility has ceased to be in operation, the person who holds the environmental permit which authorised the operation of the facility”. The term “regulated facility” includes “installation” (EP regulation 8.) An installation or mobile plant need not be in operation for there to be an operator. Legal obligations may be imposed on an operator during the pre- and post-operational phases as well.

The operator must demonstrably have the authority and ability to ensure the permit is complied with.

Special care is needed where two or more operators run different installations on a site. Any necessary inter-reliances between the different operators and their parts of the site should be demonstrated. The operators, between them, must be able to operate their installations in a satisfactory way that meets the requirements of the EP Regulations.

“Installation”

“installation” means –

- i) a stationary technical unit where one or more activities listed in Part 2 of Schedule 1 to the EP Regulations are carried out; and
- ii) any other location on the same site where any other directly-associated activities are carried out which have a technical connection with the activities carried out in the stationary technical unit and which could have an effect on pollution,

and references to an installation include references to part of an installation.

The following criteria and examples are provided to assist local authorities and operators when applying this definition in individual cases.

Limb (i) of the definition

Two criteria are proposed for the purpose of determining whether plant or machinery satisfy the first limb of this definition –

1A the plant or machinery must be a “technical unit” where one or more activities listed in Part 2 of Schedule 1 to the EP Regulations (“listed activities”) are carried out;

1B the technical unit must be stationary.

For the purpose of criterion 1A, “technical unit” can be taken to mean something which is functionally self-contained in the sense that the unit – which may consist of one component or a number of components functioning together – can carry out the Schedule 1 activity or activities on its own.

Where, however, there are two or more such units on the same site those units should be regarded as a single technical unit for these purposes if –

- a) they carry out successive steps in one integrated industrial activity;
- b) one of the listed activities is a directly-associated activity of the other; or
- c) both units are served by the same directly-associated activity.

Limb (ii) of the definition

An installation consists of the stationary technical unit identified under the first limb of the definition plus any location on the same site where activities that satisfy the second limb are carried out. Three criteria are proposed for the purpose of determining whether an activity satisfies the second limb-

2A the activity must be directly-associated with the stationary technical unit;

2B the activity must have a technical connection with the listed activities carried out in or by the stationary technical unit; and

2C the activity must be capable of having an effect on pollution.

- **Criterion 2A:** requires that the activity is carried out on the same site as the stationary technical unit and that the activity serves the stationary technical unit (ie there is an asymmetrical relationship whereby the activity serves the stationary technical unit but not vice versa). If an activity, such as operating a landfill, serves a stationary technical unit carrying out a listed activity and some other industrial unit or units on a different site or carrying out non-listed activities, then the activity will only be directly-associated with the stationary technical unit if that unit is the principal user of the activity.
- **Criterion 2B:** gives rise to four types of directly-associated activities which may be said to have a technical connection with a stationary technical unit:
 - a) input activities concerned with the storage and treatment of inputs into the stationary technical unit;
 - b) intermediate activities concerned with the storage and treatment of intermediate products during the carrying on of the listed activities – this might apply particularly where the stationary technical unit consists of a number of sub-units with the product of one sub-unit being stored or treated prior to being passed on to the next sub-unit in the production chain;
 - c) output activities concerned with the treatment of waste (or other emissions, like manure) from the stationary technical unit; or

- d) output activities concerned with the finishing, packaging and storage of the product from the stationary technical unit.

These activities have a technical connection in the sense that they are integral parts of the overall listed industrial activity. Often there will also be a physical connection, such as a conveyor belt or pipeline, but this does not have to be the case.

(The need for input, intermediate and output activities to be an integral part of a listed activity before it is caught by limb (ii) is presented as part of criterion 2B. Note, however, that the requirement for associated activities to be “directly” associated in criterion 2A also emphasises the need for associated activities to be an integral part of a listed activity before they are treated as part of an installation.)

- **Criterion 2C:** covers both activities which have an effect on emissions and pollution from the listed activities with which they are associated and activities which have such an effect in their own right.

Examples

The following examples illustrate the application of these criteria.

- *Example 1: Three combustion plants discharging through a common stack*

Limb (i): This constitutes one unit. None of the individual plants can be regarded as a unit because, viewed individually, none of them is functionally self contained – the stack is an essential component of the combustion plant (criterion (1A)). So the three combustion plants form three components of one stationary technical unit.

- *Example 2: Three combustion plants discharging through a common stack plus one combustion plant discharging through its own stack*

Limb (i): This constitutes two stationary technical units even if all of the plants are on the same site and operated by the same operator.

The two statutory technical units could, however, be regarded as a single installation if they were served by the same directly-associated activity, eg ‘fuel handling’.

- *Example 3: A chemical plant served by an effluent treatment works on the same site*

Limb (i): In this example the chemical plant is the stationary technical unit.

Limb (ii): The effluent treatment works will satisfy limb (ii) of the definition in relation to the stationary technical unit because it is a directly-associated activity (under criterion (2A)) with a technical connection with the stationary technical unit (under criterion (2B)).

- *Example 4: Two chemical plants served by the same effluent treatment works*

Limb (i): Each chemical plant is functionally self contained given that they can both produce chemicals without being attached to an effluent

treatment works (criterion (1A)) (whereas in Example 1 the combustion plants have to operate with a stack). They will therefore generally be treated as two separate stationary technical units. If, however, the two chemical plants and the effluent treatment works are on the same site then the two chemical installations will be treated as one (integrated) stationary technical unit. That unit (plus the treatment works) will form the installation.

Limb (ii): If the effluent treatment works is not on the same site as either of the chemical installations it will not satisfy limb (ii) because of criterion (2A). It will therefore not be part of the installation.

If the effluent treatment works is on the same site as only one of the installations it will satisfy limb (ii) in relation to that installation if that installation is the principal user of the works.

- *Example 5: A power station (which is above the IPPC threshold) served by its own landfill (which is below the IPPC threshold for landfills) on the same site*

Limb (i): The power station is the stationary technical unit.

Limb (ii): The landfill site will satisfy limb (ii).

Note that if the landfill is part of the installation it will be regulated under the IPPC regime rather than the waste management licensing regime.

- *Example 6: A power station (which is above the IPPC threshold) served by its own landfill (which is also above the IPPC threshold) on the same site*

Limb (i): This constitutes one single technical unit.

Limb (ii): Any associated activities, such as stockpiling and recovering coal, handling ash and treating and releasing cooling water, which are directly-associated with the stationary technical unit will also be part of the installation.

- *Example 7: A power station where coal is stored on site*

Limb (i): The power station is the stationary technical unit.

Limb (ii): The storage of coal will satisfy limb (ii) and will thus be a directly-associated activity and the storage area will therefore be part of the installation along with the stationary technical unit.

- *Example 8: An integrated oil refinery*

Limb (i): If the oil refinery carries out a number of listed activities using plant that carry out successive steps in one integrated industrial activity limb (i) will dictate that the whole collection is one stationary technical unit.

- *Example 9: A cement clinker manufacturing plant with an on site chalk quarry*

Limb (i): The cement clinker plant is the stationary technical unit.

Limb (ii): The chalk quarry will not satisfy limb (ii) because it will not have a technical connection with the stationary technical unit. Quarrying the chalk is one step further removed than the input activities that may be directly-associated activities.

- *Example 10: Combined heat and power plant (which is above the IPPC threshold) serving a light industrial estate engaged in non-listed activities*

Limb (i): The CHP plant is the stationary technical unit.

Limb (ii): None of the units on the industrial estate will be directly-associated activities because they do not meet criterion (2A) in that they do not serve the CHP plant; it is the CHP plant which serves them.

- *Example 11: An IPPC installation for the intensive rearing of pigs or poultry where manure from the installation is spread on adjacent fields*

Limb (i): The building or buildings in which the animals are housed will be the stationary technical units. The fields are not part of the stationary technical unit.

Note that all animal houses which are on the same site in which IPPC activities are carried out by the same operator count towards the threshold.

Limb (ii): Directly-associated activities such as a slurry handling system will be part of the installation.

Note that conditions will be attached to the permit for these installations governing the handling of manure, but these will not apply to third parties who might take the manure.

“Part A(1) Activity”, “Part A(2) Activity”, “Part B Activity”

“Part A(1) Activity” means an activity listed under the heading “Part A(1)” of Part 2 of Schedule 1 to the EP Regulations.

“Part A(2) Activity” means an activity listed under the heading “Part A(2)” of Part 1 of Schedule 1 to the EP Regulations.

“Part B Activity” means an activity listed under the heading “Part B” of Part 1 of Schedule 1 to the EP Regulations.

In some cases, the question of whether an activity is a “Part A(1) Activity”, a “Part A(2) Activity” or a “Part B Activity” will depend on capacity threshold.

The capacity of an installation is to be determined by the regulator on a case by case basis. The starting point is the operator's description of the installation. The regulator must be satisfied that any application is duly-made, and then process that application on the basis of the operator's description, recognising that there are mechanisms in the legislation that enable the operator to be held to his description. There are also powers to require the supply of information by the operator to demonstrate that he continues to operate within the scope of his permit.

So, in the view of Defra and WAG, capacity will be limited where:

- a) an application for a EP permit specifies operational constraints upon relevant equipment or of the process or installation as a whole, and those constraints are incorporated into the permit; or
- b) such capacity constraints are contained in an extant permit or are incorporated therein by means of a variation.

It is, of course, incumbent upon regulators to ensure that all permit conditions are complied with, and to make plain to operators that breach any condition that this could lead to enforcement action both for non-compliance and for potentially operating an installation without the permit it ought to have under a different regime.

Paragraph 4 of Part 1 of Schedule 1 to the EP regulations contains an aggregate rule for these purposes. It states that where a person carries out several activities falling within the same description in “Part A(1)” or “Part A(2)” in different parts of the same technical unit or in different technical units on the same site, the production capacities of each part or unit are to be added together. The total capacity is then to be attributed to each part or unit for the purpose of determining whether it is a “Part A(1) Activity” or a “Part A(2) Activity”.

“Part A Installation”, “Part A(1) Installation” and “Part A(2) Installation”

These terms are defined in EP regulation 3(2).

“Part A Installation” is an installation which is subject to regulation under IPPC, and means either a “Part A(1) Installation” or a “Part A(2) Installation”.

“Part A(1) Installation” means any installation where one or more “Part A(1) Activities” are carried on, including cases where there is also a Part A(2) and/or Part B Activity as part of the installation.

“Part A(2) Installation” means an installation where one or more “Part A(2) Activities”, but no “Part A(1) Activities” are carried on. It includes cases where there is also a Part B Activity as part of the installation.

“Part B Installation” means an installation where one or more “Part B activities”, but no Part A Activities are carried on.

Definitions relating to changes to installations

“Change in operation”

Paragraph 2 of both Schedules 7 and 8 have the effect of applying the IPPC Directive definition of ‘change in operation’, namely: “a change in the nature or functioning, or an extension, of the installation which may have consequences for the environment”. A change in operation could entail either technical alterations or modifications in operational or management practices, including changes to raw materials or fuels used and to the installation throughput.

“Substantial change”

The IPPC Directive definition of ‘substantial change’, which is incorporated by the EP Regulations is “a change in operation which, in the opinion of the competent authority [the regulator], may have significant negative effects on human beings or the environment”.

This definition means that whether any particular change proposed by an operator would constitute a “substantial change” is something that can only be determined given the facts of the case. This requires consideration of all impacts of any proposed change rather than just the net environmental effect. Therefore, the potential impacts of proposals on all possible receptors should be examined to inform a judgement on whether, either in combination or in any individual case, there may be a significant negative effect. Such judgements should take account of not only releases of polluting substances, but also other pollutants (heat, noise and vibrations) as well as alternative types of potential impacts such as increased waste production, energy consumption or the risk of accidents.

Some changes bringing about net benefits may have some constituent negative effects. For example, changing a fuel may lead to reductions in some releases but increases in others. If any potential negative effect is identified, the local authority must consider whether it judges this “significant”. Local authorities should make this judgement by considering whether the effect is of such significance that it justifies requiring the operator to submit proposals that will be subject to consultation with the public consultees. This should be assessed having regard to:

- a) the extent of the potential impact (including geographical area and size of the affected population);
- b) any effects on specifically protected areas, species or other assets of particular significance;
- c) the transboundary nature of the impact;
- d) the magnitude and complexity of the impact;
- e) the probability of the impact; and
- f) the duration, frequency and reversibility of the impact.

The large majority of substantial changes are expected to arise at Part A(1) installations. Part A(2) installations are generally smaller in scale and, as a result, are much less likely to undergo a change which may cause a significant negative effect. For Part B installations the IPPC Directive definition applies only in relation to the purpose of preventing/reducing emissions into the air.

LA-IPPC is concerned with a range of environmental impacts, all of which must be considered in determining whether there may be a substantial change. However, changes of releases in polluting substances are the most likely causes of substantial changes. In this regard, local authorities should consider changes in:

- a) the substances released: if a new substance were to be released, consideration should be given to whether this would have a significant negative effect. However, if this new release were to be accompanied by a reduction in releases of another substance, then it would be appropriate to consider any similarity of effects between the two substances. If the effect of the new substance would be broadly similar to that now reduced from the old substance, then the change would not be substantial;
- b) the level of releases of any particular substances: an increase in releases would give rise to a substantial change only if it would significantly increase the negative environmental effect. The test of significance should not be based on the relative increase in releases from the site but on the absolute effect those releases will have on the environment. For example, a small factory might seek to increase its capacity by two or three times, yet this would constitute a substantial change only if the resulting increase in releases may cause a significant negative effect. The absolute increase in substances to be released would not in itself be considered significant;
- c) the nature of releases of any particular substance: beyond increases in levels of releases, other changes could include changes in temperature, pressure, viscosity, appearance, phase, size and shape of particle, colour and density. The possibility of such changes having a significant negative effect should be considered. For example, a change in particle size which does not enter a different environmental pathway is unlikely to be a substantial change, unless it becomes so ultra-fine that it starts to have a different uptake.

Finally, it is important to stress that whether or not a change is substantial is a judgement for the local authority to make. Local authorities should be able to demonstrate that their decisions are reasonable, based on the facts of the case and the standard of common sense.

It will not be acceptable for operators to state that 'no complaints have been received'. Lack of complaint does not necessarily imply that there is no problem.

Annex IV National consultees

This annex relates to chapter 9 of the Manual

Consultee	Website address
Primary Care Trusts	http://www.nhs.uk/servicedirectories/Pages/PrimaryCareTrustListing.aspx
Food Standards Agency	http://www.food.gov.uk/
Welsh Government	http://new.wales.gov.uk/?lang=en http://new.wales.gov.uk/?lang=cy
The Sewerage Undertaker	http://www.water.org.uk/
Natural England	http://www.naturalengland.org.uk/
Countryside Council for Wales	http://www.ccw.gov.uk/
Scottish Natural Heritage	http://www.snh.gov.uk/
Harbour Authorities	http://www.britishports.org.uk/
Local Fisheries Committees	http://www.defra.gov.uk/foodfarm/fisheries/index.htm
The Environment Agency	http://www.environment-agency.gov.uk/
British Waterways	http://www.britishwaterways.co.uk/contact-us or email to utilitiesenquiry@britishwaterways.co.uk
highways authority	this could be the Highways Agency (mainly trunk roads), Unitary or County Council, or Transport for London, or a London Borough Council

Annex V Public Participation Directive (PPD) procedures: for LA-IPPC installations only

This annex relates to chapters 6 and 9 of the Manual

SECTION 1: SUMMARY OF ADDITIONAL PPD PROCEDURES AND TIMESCALE

1. Most requirements of the PPD already formed part of the application and decision-making process of LA-IPPC. PPD introduced additional requirements at four stages: application, advertisement, draft decision and final decision, for the following types of applications:

- a permit for a new A2 installation
- a permit variation covering a substantial change to an already permitted A2 installation
- where a permit needs to be varied because the pollution caused by an already-permitted A2 installation is so significant that the emission limits in the permit need to be revised or extended.

Application (STAGE 1)

2. Applications for an A2 permit (or for a substantial change to a Part B permit which will as a result become A2), must include an outline of the 'main alternatives', if any, which the operator considered in respect of the issues which will arise in determining BAT-based permit conditions (see Section 2 below). (In general, aside from the relatively low environmental risk posed by A2 installations, they do not cause transboundary environmental impacts because England and Wales does not share any land borders with other EU Member States. In the unlikely event that a local authority receives an application that it considers could have a transboundary environmental impact upon another Member State, authorities are advised to [contact Defra or WAG](#) for advice.)

Advertisement (STAGE 5)

3. The operator must publicise the application in accordance with **Chapter 9** of the Manual. Whatever means of publicising is selected in a particular case, it must state that the application covers all the matters required to be included (ie everything specified in **Annex VI** of the Manual, including an outline of the main alternatives, if any, studied by the applicant). It must also state where, how and at what times the public can examine the application on the public register. If an advertisement is (one of) the selected means of publicising, a specimen advert is in Section 3 of this annex.

Draft decision (STAGE 7)

4. The local authority may consult stakeholders or the public about its proposed decision (ie the draft permit and a 'decision document') within 4 months of receiving the application, or such longer period if it has been agreed. In deciding whether to advertise the draft decision, Defra/WAG advise that it will normally only be necessary in cases where the application gives rise to significant controversy or has the potential for wide-ranging environmental or health impacts.

5. If an authority decides that publicity is needed, it is not envisaged that this will entail a further newspaper advertisement and no provision has been made for recovering the costs of such an advert. Guidance on other publicity options is contained in **Chapter 9** of the Manual. Where publicity is undertaken, this may extend the time taken to determine application from 4 to 5½ months in order to allow time for comment. As has been the case for several years (see **Chapter 13** of the Manual), it is expected that the operator will be given a chance to comment on the draft permit before an authority reaches its final decision.

Final decision (STAGE 8)

- if there has been consultation on the draft decision and there are representations from the public

6. The authority should aim to make a final decision within 15 working days, or a longer period if agreed with the operator. This does not preclude further discussion between the authority and the operator if the authority considers it appropriate in the light of those representations. The decision document should, if necessary, be amended to reflect consideration of the representations, which together with a copy of the issued or revised permit and supported by the decision document, must be placed on the public register. The authority should then put the final decision on its website and publicise it in any other way it considers appropriate. If an authority considers an advertisement is necessary, a specimen advert can be found in Section 3 below, but as in paragraph 5 above, no provision has been made for recovering the costs of such an advert.

- if there has been consultation on the draft decision and there are no representations

7. The authority can make a final permit decision and inform the operator. The final decision must be placed on the public register in the form of the issued or revised permit, together with the decision document which should state that no representations were made. It is open to authorities to place the decision on its website.

- informing national consultees

8. It is also likely to be best practice for local authorities to inform national consultees about the outcome of permit decisions, which they were asked to comment upon.

SECTION 2: EXPLANATION OF TERMS

9. This section explains various terms used above.

‘main alternatives’

10. Applications must contain an outline of the main alternatives, if any studied by the applicant. The outline should be as brief and non-technical as possible. The full list of other items to be included in applications is in **Annex VI** of the Manual.

‘draft determination’

11. This depends on the type of permit application as follows:

- for new installations, a draft determination will normally be a draft of the permit that the local authority proposes to issue, complete in every essential detail, but excluding any information to be excluded for commercial confidentiality or national security reasons. The authority may also consider showing earlier drafts to other interested parties if the local authority considers that this may ease the overall process of determining the application.
- for variations (substantial changes), a draft determination can be a document showing only the proposed changes to the existing permit rather than the whole permit as it would be after variation, provided it contains sufficient detail for the effect of the variations to be readily apparent to the public.
- for refused applications, a draft determination can be a simple statement to that effect supported by a decision document.

‘decision document’

- a decision document will need to form part of the draft determination in all three instances. It will need to give the reasons and considerations upon which the local authority based its draft determination. When drafting decision documents best practice will be to consider how it can promote public participation.

The decision document **does not** change the process by which local authorities are expected to reach permit decisions, including determining what is BAT on a case-by-case basis. Authorities, in determining applications, should take account of the relevant factors set out in **Annex VIII** of the Manual. Authorities should also be aware of how in subsequent proceedings they may be required to demonstrate that they have done so and to produce any written notes or reports setting down the considerations relied on prior to

taking their decision, including the decision document (see **Chapter 12** and **Annex VIII** of the Manual).

SECTION 3: EXAMPLE ADVERTISEMENTS

Example advertisement of application (STAGE 5)

APPLICATION UNDER THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2007, SI 2007/3538

(1) The company known as Farmers Foundry, whose address is Market Place, Farmersville, Anyplace AB12 3CD has applied to Anyplace Council for a permit to operate an installation for the production of pig iron including continuous casting, with a production capacity of more than 2.5 tonnes per hour at the address above.

(2) The application contains a description of any foreseeable significant effects of emissions from the installation on the environment.

(3) The application also contains a description of all the information that Farmers Foundry was required to include in its application to Anyplace Council.

(4) The application has been placed on the public register held at Anyplace Council Offices, Town Lane, Farmerville, Anyplace, and can be viewed Monday to Friday between the hours of 9am to 5pm and on Saturday between 9am and 12pm.

(5) Any written comments on the application should be made to the Anyplace Council address [or via the Council email address] by [date]. Any written comments will be placed on the public register unless they include a statement requesting that this is not done. If there is such a request the register itself will just include a note that representations have been made which are not on the register because of such a request.

Example website advertisement of the draft determination (STAGE 7)

APPLICATION UNDER THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2007, SI 2007/3538

(1) Anyplace Council has made a draft determination (or draft decision) as the regulator upon the application from the company known as Farmers Foundry, whose address is Market Place, Farmersville, Anyplace AB12 3CD for a permit to operate an installation for the production of pig iron including continuous casting, with a production capacity of more than 2.5 tonnes per hour at the address above.

(2) The Council has published the draft determination on the public register. Members of the public are able to view the public register free of charge. It is held at Anyplace Council Offices, Town Lane, Farmerville, Anyplace and can be viewed Monday to Friday between the hours of 9am to 5pm and on Saturday between 9am and 12pm.

(3) The public register contains the following information about this application:

- additional information relevant to the draft determination that has become available since the permit application was advertised;
- guidance published by the Secretary of State for Environment, Food and Rural Affairs;
- information on the arrangements for public participation; and
- A decision document, which gives the reasons, and considerations on which the Council has made the draft determination.

(4) Representations on the draft decision can be made to the Anyplace Council address [or via the Council email address] by [date] of the advertisement's date.

(5) If the Council does not receive any representations from the public, the Council's decision will be made final and the applicant will be notified **within 5 working days** of the end of the period for representations.

(6) If the Council does receive representations, the Council's decision will be finalised and notified to the applicant and to the public by means of the Anyplace Council website [and by other means], **within 15 working days** of the end of the period for representations or a longer period as the Council may agree with the applicant.

Example website advertisement of final decision (STAGE 8)

APPLICATION UNDER THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2007, SI 2007/3538

(1) Anyplace Council has made a final decision as the regulator upon the application from the company known as Farmers Foundry, whose address is Market Place, Farmersville, Anyplace AB12 3CD for a permit to operate an installation for the production of pig iron including continuous casting, with a production capacity of more than 2.5 tonnes per hour at the address above.

(2) The Council received [#] representation(s) from the public during the 20-working day period of consultation upon the draft determination from [start to end date], which the Council has considered in reaching a final decision.

The Council has decided to [issue a permit to the operator/issue a permit with amended conditions/refuse the permit]. The details of this decision and the representation(s) are available to view on the public register free of charge. It is held at Anyplace Council Offices, Town Lane, Farmerville, Anyplace and can be viewed Monday to Friday between the hours of 9am to 5pm and on Saturday between 9am and 12pm.

Annex VI Content of applications

This annex relates to chapters 6 and 7 of the Manual

Specimen application forms

Specimen application forms for LA-IPPC and LAPPC installations can be found in **Part C** of the Manual, with Word versions on the [Defra website](#) .

A2 applications

Chapter 3 says that any form provided by a local authority must require the applicant to provide the information specified in Article 6(1) of the IPPC Directive, although in the case of mobile plant the fourth indent of Article 6(1) should be ignored. (The fourth indent asks for information about the site of the installation.) If an operator provides the information set out in (a)-(p) below, his/her application ought to meet the requirements of Article 6(1). The paragraph numbers below are as per Schedule 4 of the PPC Regulations for the sake of continuity, although some of the wording has needed slight amendment.

In paragraph (b), the grid reference is no longer specified, so long as the postcode is provided, since a grid reference can be readily found by anyone who needs it through on-line resources such as <http://www.multimap.com>, <http://www.streetmap.co.uk> and www.ordnancesurvey.co.uk. There may be cases, such as for dry cleaners, where it will not be worth providing a location map in addition to the address of the premises. In most cases, however, a map with a line round the installation will be needed

Paragraph (c) only applies to mobile plant; and paragraph (d) does not apply to any incineration or co-incineration activity falling in Part A2 of Section 5.1 of Schedule 1; and at the time of publication of this revised Manual in January 2008 paragraph (m) does not apply because no general binding rules have been introduced for LA-IPPC or LAPPC installations.

A2 and Part B Solvent Emissions Directive applications

Two additional matters should be addressed in the application – see ‘Solvent Emission Directive’ heading near the end of this annex.

A2 waste incineration plant

Five additional matters should be addressed in the application – see ‘waste incineration directive’ heading near the end of this annex.

Part B applications (other than small waste oil burners and dry cleaning activities)

The same information should be provided for Part B applications, but NOT paragraphs (f), (j), (oo) and (p). In the case of activities falling only in Section 7 of Schedule 1, paragraph (d) does not apply. Paragraph (g) must be read as referring only to air emissions.

The process guidance (PG) notes for small waste oil burners, dry cleaners, petrol stations, and most vehicle refinishing installations include specimen applications.

Part B applications: small waste oil burners

The application should be the same as for other Part B activities, but for these waste oil burners with a rated thermal input of less than 0.4 MW, paragraphs (e)–(h) must be substituted with four new paragraphs – see ‘small waste oil burners’ heading near the end of this annex.

Part B applications: dry cleaning activities

The application should be the same as for other Part B activities, but for these dry cleaning activities, paragraphs (e)–(h) must be substituted with four new paragraphs – see ‘dry cleaners’ heading near the end of this annex.

Further information

Under paragraph 4 of Part 1 of Schedule 5 to the EP Regulations, if a local authority considers it needs further information to determine an application that has been duly-made, the authority can serve a notice which must specify what the further information is and when the information must be provided by. If the operator fails to provide the further information or fails to provide it by the specified date, a local authority can serve a notice, which must refer to paragraph 4(2) of Part 1 of Schedule 5, that the application is deemed to have been withdrawn on the day on which this second notice is served, and that the applicant is not entitled to the return of any fee which accompanied the application. There is a right of appeal in relation to the second notice and its effect.

Paragraphs (a)-(p)

As stated above, if an operator provides the information set out in (a)-(p), his/her application ought to meet the requirements of Article 6(1) of the IPPC Directive.

(a) the name of the applicant, his or her telephone number and address (including post code) and, if different, any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, its registered number, the address of its registered or principal

office and, if that body corporate is a subsidiary of a holding company (within the meaning of section 736 of the Companies Act 1985), the name of the ultimate holding company and the address of its registered or principal office;

(b) in the case of an application for a permit to operate an installation or Part A mobile plant, the address of the site of the installation or mobile plant, a map or plan showing that site and, in the case of an installation, the location of the installation on that site, and the name of any local authority in whose area the site is situated;

(c) in the case of an application for a permit to operate a mobile plant, the name of the local authority in whose area the applicant has his principal place of business and the address of that place of business or, where the operator of the mobile plant has his principal place of business outside of England and Wales, the name of the local authority in whose area the plant was first operated or, where the plant has not been operated in England and Wales, the local authority in whose area it is intended by the operator that the plant will first be operated;

(d) in the case of an application for a permit to operate an A2 installation or mobile plant, a site report;

(e) a description of the installation or mobile plant, the activities listed in Part 2 of Schedule 1 of the EP Regulations to be carried out in the installation or by means of the mobile plant, and, in the case of an installation, any other directly-associated activities to be carried out on the same site as the installation which will have a technical connection with those listed activities and which could have an effect on pollution;

(f) the raw and auxiliary materials and other substances and the energy to be used in or generated by the carrying out of the activities referred to in paragraph (e);

(g) the nature, quantities and sources of foreseeable emissions from the installation or mobile plant into each environmental medium, and a description of any foreseeable significant effects of the emissions on the environment;

(h) the proposed technology and other techniques for preventing or, where that is not practicable, reducing emissions from the installation or mobile plant;

(i) the proposed measures to be taken to monitor the emissions;

(j) a description of the measures to be taken for the prevention and recovery of waste generated by the operation of the installation or mobile plant;

(k) a description of any proposed additional measures to be taken to comply with the general principles set out in Chapter 4 of this Manual (paragraph 4.24);

(l) in the case of an application for a permit to operate an A2 installation, any relevant information obtained or conclusion arrived at in relation to the installation pursuant to articles 5, 6 and 7 of Council Directive 85/337/EEC on

the assessment of the effects of certain public and private projects on the environment <http://ec.europa.eu/environment/eia/full-legal-text/85337.htm>. (This applies where an environmental impact statement has been required);

(m) in the case of an application for a permit to operate an installation or mobile plant covered by general binding rules, a statement as to whether the applicant wishes the aspects of the operation of the installation or mobile plant covered by the requirements in the rules to be subject to those requirements instead of installation-specific permit conditions;

(n) in the case of an application for a permit that will authorise the carrying out of a waste operation or waste mobile plant, any information which the applicant wishes the regulator to take into account when considering the operator's technical competence;

(o) any additional information which the applicant wishes the local authority to take into account in considering the application;

(oo) in the case of an application for a permit to operate an A2 installation, an outline of the main alternatives, if any, studies by the applicant (this is a Public Participation Directive requirement);

(p) a non-technical summary of the information referred to in the previous subparagraphs.

Solvent Emission Directive

The applications must also include a description of the measures which are envisaged to guarantee that the installation is designed, equipped and will be operated in such a manner that the requirements of the SED are met. This must include

- where the operator wishes to use a reduction scheme, details of the proposed scheme
- where the SED installation uses a substance or preparation which is assigned or needs to carry risk phrases R45, 46, 49, 60 or 61, a timetable for replacing as far as possible such substance or preparation by a less harmful substance or preparation within the shortest possible time.

Waste Incineration Directive

The application must also include a description of the measures which are envisaged to guarantee that

- the plant is designed, equipped and will be operated in such a manner that the requirements of the Waste Incineration Directive, taking into account the categories of waste to be incinerated;
- the heat generated during the incineration and co-incineration process is recovered as far as practicable, for example through combined heat and power, the generating of process steam or district heating;

- the residues will be minimised in their amount and harmfulness and recycled where appropriate;
- the disposal of residues which cannot be prevented, reduced or recycled will be carried out in conformity with national and EC legislation; and
- the proposed measurement techniques for emissions into the air comply with Annex III of the WID and, as regards water, comply with paragraphs 1 and 2 of Annex III.

Small waste oil burners

The replacements for paragraphs (e)-(f) above are:

(e) the name and number, if any, of the appliance used for the burning of the waste oil, and the name of its manufacturer, its rated thermal input and whether or not it is constructed or adapted so as to comply with the specification for fixed, flued fan-assisted heaters in Part 2 of the specification for oil-burning air heaters published by the British Standards Institution and numbered BS 4256 1972;

(f) details of the type of fuel to be used and its source;

(g) details of the height and location of any chimney through which waste gases produced by the appliance would be carried away and details of the efflux velocity of the waste gases leaving such a chimney produced by the appliance in normal operation;

(h) details of the location of the fuel storage tanks of the appliance.

Dry cleaners (as defined in Section 7 of Part 2 of Schedule 1 to the EP Regulations)

The replacements for paragraphs (e)-(f) above are:

(e) the name and model number, description and number, if any, of the dry cleaning machine, the date when it was installed, the name of its manufacturer and its rated capacity;

(f) details of any spot cleaning to be undertaken and details of checking and maintenance procedures to be followed and of the supervision, training and qualifications of operating staff;

(g) details of the solvents to be used, including a description of any risk phrase substance or preparation;

(h) details of the arrangements for storing solvents prior to use, and used solvents and solvent-contaminated materials, including a description of the location where the materials are stored.

Article 6.1 of the IPPC Directive

For completeness, the following is the text of Article 6.1 of the IPPC Directive:

Applications for permits

1. Member States shall take the necessary measures to ensure that an application to the competent authority for a permit includes a description of:

- the installation and its activities,
- the raw and auxiliary materials, other substances and the energy used in or generated by the installation,
- the sources of emissions from the installation,
- the conditions of the site of the installation,
- the nature and quantities of foreseeable emissions from the installation into each medium as well as identification of significant effects of the emissions on the environment,
- the proposed technology and other techniques for preventing or, where this not possible, reducing emissions from the installation,
- where necessary, measures for the prevention and recovery of waste generated by the installation,
- further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 3,
- measures planned to monitor emissions into the environment.

An application for a permit shall also include a non-technical summary of the details referred to in the above indents.

Annex VII Good practice examples taken from additional guidance notes AQ 8 (04) and AQ 11(04) and the Atkins 2006 action plan

This annex relates to chapter 32 of the Manual

Good practice checklist

The following table is reproduced from AQ5(05). It contains a checklist of issues which are a guide to local authority performance. Some are statutory and therefore mandatory. The remainder constitute good practice and most of these are taken from the first Atkins performance review in 2004 and the above-mentioned CIEH Management Guide second edition. The table references have been updated where appropriate.

It is a matter for each authority to decide how precisely to measure for its own purposes its effectiveness and efficiency in delivering its LA-IPPC and LAPPC service. It is highly desirable, however, that each authority assesses and monitors its own performance. This good practice checklist can serve as a framework for such assessments as well as for benchmarking and peer review exercises.

Category	Issue	Origin*	Done Y/N Planned delivery date []	Performance
Officer appointment and competence	1. have an officer(s) responsible for ensuring that legally required duties are carried out	A/C	Y/N []	
	2. ensure that the officer(s) responsible receive the training necessary to undertake the function and that this training is regularly undertaken	A/C	Y/N []	
	3. construct a skills profile for each post	C	Y/N []	
	4. ensure that the pollution control team keep abreast of current and future issues (NB continuing professional development)	A/C	Y/N []	

	5. carry out cascade training within the Authority, and between neighbouring Authorities	A	Y/N []	
Benchmarking	6. ensure that time is allocated to enable members of the pollution control team to attend pollution groups, undertake peer reviews and participate in benchmarking with other authorities	A/C	Y/N []	
Time monitoring, income and expenditure, cost accounting	7. undertake time monitoring and cost accounting for PPC activities in accordance with Chapter 23 of the General Guidance Manual	A/C	Y/N []	Income from fees and charges
	Place cost accounts on the public register, in accordance with Chapter 29 of the Manual	S	Y/N []	Expenditure on function (including on-costs)
	8. have procedures to ensure the pollution control team are notified of any non-payment of fees and charges	A	Y/N []	
	9. develop and maintain good communication links between the pollution control team and the departments involved in the recovery of fees and charges	A	Y/N []	
Assistance to operators	10. have an information pack available for new applicants, which include a general information leaflet, an example logbook, and a copy of the enforcement policy	A	Y/N []	
	11. perform a customer survey to assess levels of satisfaction with the service provided, in order to improve the service if necessary	A	Y/N []	
Public register	12. place applications on the public register within 10 working days, subject to commercial confidentiality procedures	S		% put on register within timescale
	13. maintain the public register separately to the working files and have individual files in the public register for each authorised process/ permitted installation	A	Y/N []	
	14. ensure the contents of each file conform with the public register checklist, as detailed in Chapter 29 of the revised Manual	A / S	Y/N []	

	15. Include on register information previously withdrawn on commercial confidentiality grounds unless confidentiality re-applied for and approved every 4 years	S	Y/N []	
Files and records	16. ensure the working files demonstrate continuity of regulation and inspection and ensure the working file [hard copy or electronic] contains records of all letters, inspection notes, monitoring data, etc.	A	Y/N []	
	17. use IT for data collection and record keeping which enables easy collation of data, for day to day management of the function and reporting of performance	A	Y/N []	
Procedures	18. use a written procedure for authorising a process/permitting an installation to ensure consistency	A	Y/N []	
	19. adopt an overall procedures for handling these pollution control functions, perhaps in conjunction with neighbouring authorities	C	Y/N []	
	20. send a draft copy of the authorisation/permit document to the applicant prior to the process/installation being granted authorisation/permit to operate	A	Y/N []	
	21. make use of standard letters, forms and notices wherever possible (eg as found in the Defra/WAG Manual and CIEH Guide)		Y/N []	
	22. use IT to improve efficiency of managing the function and for communicating with operators, the public, and consultees		Y/N []	
	23. have procedures for dealing with complaints and/or emergencies etc	C	Y/N []	
Inspection	24. draft an inspection plan (detailing the type and frequency of visits intended for each process/installation regulated) at the start of the financial year	A	Y/N []	

	25. perform inspections in accordance with Chapter 27 of the Manual and the advice on inspection conduct in the CIEH Management Guide	A/C	Y/N []	Average no of full, check and extra inspections for different categories: High Medium Low
	26. use checklists as an <i>aide memoire</i> , and record the findings of each inspection/visit	A	Y/N []	
	27. use the guidance on inspection frequency in Chapter 27 of the Manual as a tool for engaging with operators	A	Y/N []	
	28. allocate time to review monitoring reports received from operators	A	Y/N []	
	29. advise operators on availability of Envirowise guidance and advisory visits		Y/N []	
Unregulated processes/installations	30. adopt procedures to ensure regular checks are made for unregulated processes/installations	A	Y/N []	
Enforcement	31. adopt an enforcement policy relevant to LAPPC and LA-IPPC	A	Y/N []	
	32. take enforcement action against installations in accordance with policy		Y/N []	
New permit/substantial change applications	33. decide permit applications within statutory timescale: New permit application (4 months) Substantial change (4 months)	S		% determined within timescale:- New permit ... Substantial change ..
Consultation	34. send applications to national consultees within 30 working	S		% of applications sent within timescale
4/6-year reviews	35. LAPPC/LA-IPPC reviews undertaken in accordance with Chapter 26 of the revised Manual, normally at least every 6 years	S		% undertaken within timescale:- ... 6-year reviews ...
Best value/efficiency/effectiveness	36. undertake a scrutiny/business planning review of the function having regard to best value	C	Y/N []	

	principles			
Outsourcing	37. consider options of using consultants or sharing expertise with neighbouring authorities as part of any best value/business planning review and where staffing difficulties arise. (See LACORS/CIEH 2008 guidance on partnership working http://www.lacors.gov.uk/lacors/ContentDetails.aspx?id=18943)		Y/N []	
BAT	38. take necessary steps to ensure that improvements specified in process and sector guidance notes are made within timescales/deadlines in the notes, subject to site-specific BAT considerations	S	Y/N []	Percentage of deadlines met
Defra web site	39. check Defra website once a week for updated guidance or other developments, and use the Defra Guidance Manual for procedural and interpretation guidance		Y/N []	
Statistical returns	40. Complete Defra annual statistical returns within timescale allowed		Y/N	
Report to members	41. Make annual formal report to members presenting key performance indicators	C	Y/N []	
Awareness in other LA departments	42. Ensure other appropriate departments (eg finance, planning and legal) are aware of the pollution control process and of their responsibilities within the process	C	Y/N []	
Magistrates	43. Ensure local JPs are aware of the pollution control regimes and their involvement in enforcement issues	C	Y/N []	
Decisions	44. Authorities should be in a position to justify their decisions to the operator (see Defra revised Manual para 12.13)		Y/N []	

* A = Atkins best practice list on pages v-vii & iii-viii of their reports (2004 & 2006 respectively)

S = statutory

C = CIEH Management Guide second edition (September 2004)

The action plan responding to the Second Atkins Performance Review of LAPPC and LA-IPPC

The following replicates the 2006 action plan responding to the Second Atkins Performance review. The information and contact details were correct at the time of publication in 2006.

1. Atkins consultants were commissioned to follow up their 2004 performance review to see what progress had been made in delivering their previous recommendations. The Defra/WAG specification for the study is [here](#). This second review in 2006 (“Atkins 2”) produced 28 recommendations.

2. In line with the practice after the first review, all the key stakeholders have worked together to produce an action plan in response to the recommendations. The stakeholders are:

- Defra
- WAG (Welsh Assembly Government)
- LACORS (Local Authorities Coordinators of Regulatory Services)
- CIEH (Chartered Institute of Environmental Health)
- NSCA (National Society for Clean Air and Environmental Protection – since renamed Environmental Protection UK)
- APHA (Association of Port Health Authorities)
- other members of the Industrial Pollution Liaison Committee (consisting mainly of local authority practitioners).

3. The following general comments and the detailed response table are the agreed position of all these stakeholders.

General

4. The underlying purpose of both Atkins reviews was to provide the basis for Defra, WAG, local authorities themselves and their representative organisations, and all other stakeholders to

a) assess the efficiency and effectiveness with which LAPPC and LA-IPPC are being delivered

b) to learn about different practices on the ground and see what improvements might be needed and made.

5. The intention has been to focus on providing advice and help to local authority regulators on existing and potential good practice. Local authorities should be concerned, on their own part, to provide a good value service which provides protection to the local environment. They should also be conscious that standards of pollution control in their area may have regional, national and global implications. The following action plan table has been produced with this in mind and it is hoped that authorities will treat it as a tool for them to use, not as a central initiative imposed unwillingly on them.

6. The reviews have inevitably shown up areas where local authority performance overall is good or less good. Defra/WAG, as well as other key stakeholders – including business (who are interested in the service received and the price they pay); environmental groups; and the environmental technology sector – take a strategic interest in this overall performance. Atkins 2 shows that there have been good improvements since the first review, but it is clear that a proportion of local authorities have, for whatever reason, not adopted recommendations/actions which emerged from that review. These have been restated in Atkins 2. The following table treats these in two ways:

a) where the recommendations seem to the authors of this action plan to be simple good practice – such as authorities having handover materials for succession planning – the table lists them as matters all authorities should be tackling;

b) where the recommendations contain good practice suggestions such as in relation to benchmarking or peer group reviews, the action plan endeavours to support the recommendations with advice and case studies to help authorities develop their own, locally-suited response.

7. **Costs, savings and benefits.** Good practice can trigger costs as well as benefits. On the one hand, efficiency improvements, such as from adoption of good management practices, may often trigger savings. On the other hand, some good practice may bring benefits at a price. Defra and WAG will continue to review the charging scheme each year and will take full account of any submissions which suggest that Atkins improvements require increased funding. It has to be said, though, that some items in the table below are things that Defra and WAG expected all local authorities to be doing already and are already considered to be covered by the fees and charges - such as properly maintaining the public register.

8. **Title of report.** The Atkins 2 report is entitled “Performance review 2005/6 of local authority air pollution teams”. It is important to recognise first that LA-IPPC covers more than just air emissions, and second that the LAPPC and LA-IPPC roles will form part of a wider environmental protection service within local authorities, and be integrated in the wider business.

9. **Accuracy of Atkins survey.** The information obtained by any interview and questionnaire survey will be dependent, among other things, on which officers respond. For instance, a front-line officer may not be so well aware of the service’s financial and other management practices, while a manager may not have the full grasp of the operational practicalities. In both cases this could result in responses not doing full justice to an authority’s performance. On the other hand, there was no quality assurance element to the interview and questionnaire approach to verify answers given.

10. None of this is intended as criticism of how the survey was operated or of the way local authorities participated. Action plan stakeholders are very grateful for the time and effort of individual officers in contributing to this useful review of performance. However, these uncertainties should be recognised, and the Atkins 2 findings are better regarded as being strongly indicative rather than precise as to local authority performance.

Rec no.	Recommendation	Response/Action
<p>PRIORITY RECOMMENDATIONS (RP) “Priority issues” are described by Atkins as those issues where progress has been made, or is planned to be made, by less than 70 of the responding authorities; and because these issues are agreed best practice by all stakeholders, Atkins considers these issues should be seen as priorities for action by authority officers and those who have an influence over authority behaviour.</p>		
RP1	<p>All authorities should look for partner authorities with which to undertake peer reviews, particularly with regard to assessing the competence of those conducting the pollution control function. Those authorities where funds/resources have been a problem are recommended to make it a priority to allocate funds/resources for this activity in future planning. (This recommendation was included within AQ05(05)) [now in the Chapter 32 of the revised Manual].</p>	<p>It is undesirable for any authority to operate in isolation, and most participate in the various regional pollution groups established around the country. Some authorities also participate in ‘link authority’ networks. Defra/WAG issue biennially a list of guidance notes identifying which authorities regulate processes under them, which is intended to facilitate networking. The CIEH operates a web-based noticeboard by which authorities can communicate questions and answers, and information, with one another.</p> <p>LACORS’s website also offers networking and communications opportunities through:</p> <ul style="list-style-type: none"> - the liaison groups section (with contact details for pollution groups in England and Wales) - the discussion groups section (web-based discussion forum) <p>Peer reviews can bring efficiency and effectiveness benefits. There is a cost associated with such reviews, which needs to be weighed against the benefits.</p> <p>All authorities should consider regularly whether they have sufficient contact with other authorities, and knowledge of how they work. Peer reviews will be a useful tool to increase and improve these interrelationships.</p> <p>Examples of where peer reviews have been used successfully are:</p> <p>The Suffolk Environmental Protection Group has been conducting PPC peer reviews since 2001. These involve 2 officers from different LAs interviewing one officer from another LA using an agreed checklist to record findings and to provide the basis for a summary report. The reviews take 2.5 hrs. As a result, minimum requirements could be established whilst exchanging good practice between participating LAs. These reviews concentrated on office based and management procedures but did not extend to site based activities. The group recently extended these reviews to other areas such as contaminated land. Contact: clive.pink@suffolkcoastal.gov.uk</p> <p>The Herefordshire and Worcestershire Pollution Group carries out peer reviews in a different way, by focusing each review on specific parts of the service rather than the whole service. For instance it might be LA-IPPC and noise/nuisance one year, and staff competence/training and enforcement policies the following year. The methodology used for these reviews was taken from a template produced by the Hampshire and Isle of Wight</p>

		<p>Pollution group in 2000. Contact: geoff.carpenter@wychavon.gov.uk</p> <p>Oldham MBC and Rochdale MBC have formed a partnership arrangement for peer review of processes, procedures and inspections. As this is a new venture they have initially covered all services to assess a base line with a view to being task focussed in subsequent years. Each review identifies positive and negative issues together with recommendations for improvement. caroline.greenen@oldham.gov.uk</p> <p>CIEH Management Guide (Appendix 7 - Peer Reviews Page 139) http://www.cieh.org/library/Knowledge/Environmental_protection/IPCManGuide.pdf</p>
RP2	All authorities should ensure that they have written procedures to minimise the disruption caused by turnover of pollution control officers. Procedures should include instructions for those leaving, to organise files and records in such a manner as to be understandable by their replacement and provisions for new post holders to be able contact previous incumbents should they wish to do so.	Written procedures are essential for succession planning. No local authority should be without these, bearing in mind resource costs for the authority of not having adequate succession arrangements, coupled with the loss of service provision.
RP3	All authorities who have not yet done so, should assess their conduct of inspections, against the guidance provided in the CIEH Management Guide as a matter of priority. (This recommendation was included within AQ05(05)).	<p>The CIEH Management Guide provides straightforward and sensible advice on planning and conducting inspections. Good management of inspections can save authorities time, as well as ensuring that inspections are carried out when and how is best for environmental protection purposes.</p> <p>Any inspection plan may need to be flexible to take account of authorities reactive pollution control work. But the bad practice of authorities rushing to complete inspections in February and March just to satisfy statistical needs should be eradicated. Environmental protection is not a numbers game.</p> <p>Planning inspections is an essential aspect of quality service delivery and is even more important when organising joint inspections. Carefully planning visits revealed crucial for the PPC officer of Mid Bedfordshire District Council as she jointly conducted the inspection of petrol stations with the Petrol Licensing Officer of Bedfordshire County Council.</p> <p>Combining inspections has several benefits for operators and regulators including saving time and money and providing greater consistency and a more holistic regulatory approach. Contact: Claire.bell@midbeds.gov.uk</p> <p>CIEH Management Guide: Inspections (p41) and Appendix 11 Inspection forms (p149) http://www.cieh.org/library/Knowledge/Environmental_protection/IPCManGuide.pdf</p>

RP4	<p>Authorities who took no action on more than 50% of their inspections, should benchmark their inspection procedure against authorities with a low percentage (e.g. less than 25%) of inspections resulting in no action. (This recommendation was included within AQ05(05)).</p>	<p>Action plan stakeholders consider that these percentage figures should be indicative only. But the principle remains that if some authorities are taking far fewer actions after inspecting than others, this might either be a) entirely justified by the type and other characteristics of the regulated installations in an area; or b) indicate that an authority is not getting sufficient value from the inspection process. A simple check, perhaps just by brief discussion at a regional pollution group meeting, may help to share best practice.</p> <p>See answer to R1</p> <p>CIEH Management Guide: Appendix 8 – Benchmarking (p139) http://www.cieh.org/library/Knowledge/Environmental_protection/IPCManGuide.pdf</p>
RP5	<p>Authorities should ensure that they have a communication strategy that includes actions to raise awareness of the pollution control function and enforcement policy amongst stakeholders, other than regulated businesses. The strategy should also contain procedures to ensure that external stakeholders are updated with changes in contact details.</p>	<p>Different authorities will have different approaches to communication with installation operators and other stakeholders across the range of services. Action plan stakeholders see absolutely no need to try to standardise this. The value of this recommendation is in pointing out to authorities the value of communicating with stakeholders.</p> <p>The following are examples of the approaches used by some authorities, which may give others ideas of what they might do:</p> <p>Calderdale Metropolitan District Council publishes a quarterly newsletter aimed at improving communications between the council and PPC operators, including small and medium sized companies. The council has also approached the local petrol licensing authority and the Environment Agency for contributions. It is sent by post and plans are in place for web publication. Contacts details are provided and feedback from industry has been good. The cost is approximately 4 days of an officer time per annum. A feedback form is planned as is the creation of more sector specific newsletters such as for petrol stations and dry cleaners. Contact: tommy.moorhouse@calderdale.gov.uk</p> <p>Islington Pollution Control Team held a joint meeting with dry cleaning operators, the Health and Safety and Environmental Protection Teams from 4 London Boroughs (Camden, Hackney, Haringey and Islington) to ensure effective partnership working during the implementation of the PPC regulations for dry cleaners. This joint working approach proved cost effective and provided a one stop shop for all attending operators. This was combined with a publicity drive by officers before the event. Contact: savva.mina@islington.gov.uk</p> <p>Kng's Lynn and West Norfolk Borough Council publish periodic LAPPC newsletters, which can be found at http://www.west-norfolk.gov.uk/default.aspx?page=21719</p>
RP6	<p>All authorities should include an assessment of the benefits of joint working / outsourcing as part of</p>	<p>Formal Best Value reviews have largely stopped now. But the principle of ensuring that different services, and parts thereof, operate in an efficient, effective and</p>

	<p>their Best Value review of the Pollution Control function. (This recommendation was included within AQ05(05)).</p>	<p>economic way is still key.</p> <p>Several authorities already use external providers either to operate much of the LAPPC/LA-IPPC service or to assist with individual cases. We believe shared working is uncommon and should be more widely used to share expertise across local authorities where appropriate.</p> <p>Different approaches will suit different authorities and different circumstances. There is no 'one size fits all' approach. But all authorities should keep under review the alternative options for service delivery, including bearing in mind considerations such as:</p> <ul style="list-style-type: none"> • an authority with a small number of Part B processes and/or just one A2 process may find that outsourcing or working with another authority can have benefits. For instance, working with a neighbouring authority which regulates three A2 processes could mean that only one officer in the two authorities has to gain specialist knowledge of the procedures and approaches for IPPC • an authority which knows it will be losing a key officer can avoid gaps in regulatory service by employing an external provider or obtaining temporary assistance from a neighbouring authority. There could be justifiable criticism if such options are not explored • there is provision in local government legislation for income from fees and charges to be passed from one authority to another. <p>By identifying that staff absence and the appointment of new staff to the pollution control division was potentially increasing strain on team performance, Oldham MBC bought in the services of a consultant to mentor and train staff, carry out inspections with staff and to effect an in-depth audit of the IPPC system and BVPI process to ensure compliance. Funding was partially taken from the IPPC and general staff budgets as it was a recognised priority area within the Council. john.dinsdale@oldham.gov.uk</p> <p>CIEH Management Guide: Section 7 – Officers undertaking the function (p21) http://www.cieh.org/library/Knowledge/Environmental_protection/IPCManGuide.pdf</p>
RP7	<p>Authorities who have not found the resources and those who do not think it necessary, or that they do not have enough industrial/urban areas, should make it a priority to allocate funds / resources to adopt procedures to ensure regular checks are made for unregulated processes as detailed in AQ09(05).</p>	<p>Unregulated installations are breaking the law and giving rise to unchecked emissions. Under the Hampton Review it is acknowledged that business wants those who try to gain commercial advantage by not complying with the law brought to account.</p> <p>The consultation on the proposed charging scheme for 2007/8 includes provision aimed at increasing income to fund searching for unregulated installations.</p> <p>Authorities will recognise that, since LAPPC/LA-IPPC installations are regulated for more than just nuisance impacts, they will not become aware of many unregulated installations without actively seeking them out. AQ9(05) contains advice on the approaches for</p>

		<p>tracking down unregulated businesses.</p> <p>It is appreciated that ease of checking for these businesses may be affected by the size of geographical area, the amount of industrialisation and other factors. On the other hand, these difficulties are not a reason for de-prioritising the issue.</p>
<p>DEBATED RECOMMENDATIONS (RD) “Debated issues” are described by Atkins as those issues where progress has been made, or is planned to be made, by over 70 of the authorities. Atkins says that this means a sizeable minority are “refusing” to concede the validity/importance of the action in the face of overwhelming support by and evidence from their fellow authorities and other stakeholders.</p>		
RD1	<p>Authorities not currently practising cost accounting should begin to do so within the next twelve months. Cost accounting guidance can be found at AQ23(06) [see Annex X of the Manual]</p>	<p>The PPC regulations now require cost accounts to be published on the public register.</p> <p>There is the obvious concern from business that the charges they pay are devoted to the service they are ‘buying’ and costs accounts provide an audit trail for this.</p> <p>From a local authority perspective, if there is no record of the income received and how much LAPPC/ LA-IPPC is costing (including on-costs), it makes it difficult for officers to justify retaining adequate resources in-house to undertake the function. It is recognised that many authorities do not normally budget at this sub-service level, but, as explained below, cost accounting does not amount to a major budgeting exercise.</p> <p>The cost accounting guidance in AQ23(06) envisages just</p> <ul style="list-style-type: none"> - counting up the money received in charges - time recording by officers undertaking the function - advice from LA finance officers in order to add in the costs of accommodation, pensions etc. The AQ note offers a formula for calculating which aligns with the Best Value Code of Practice. <p>Cost accounting data also helps provide evidence for Defra and WAG for the annual review of charging levels.</p> <p>CIEH Management Guide: Appendix 6 – Cost Accounting (p117)</p> <p>http://www.cieh.org/library/Knowledge/Environmental_protection/IPCManGuide.pdf</p>
RD2	<p>Authorities whose managers do not believe, or have not heard about, the management benefits of having PI for the key elements of the pollution control function as detailed in AQ05(05) should develop and implement them as a matter of priority.</p>	<p>AQ5(05) is intended as a guide to help local authorities check whether their LA-IPPC/LAPPC service is fit for purpose. AQ5(05) plainly says: “It is a matter for each authority to decide how precisely to measure for its own purposes its effectiveness and efficiency in delivering its LAPPC and LA-IPPC service. It is highly desirable, however, that each authority assesses and monitors its own performance. This good practice checklist can serve as a framework for such assessments as well as for benchmarking and peer review exercises.”</p> <p>Consistency and quality delivery of LAPPC and LA-IPPC service can be achieved by sharing expertise and information. Further to previous examples given, Cornwall Pollution PPC Subgroup shares information on inspection checklists – they have created a model checklist which saves time, as they don’t have to draft a template from scratch, whilst also providing an</p>

		<p>opportunity to share knowledge. This joint initiative has resulted in consistency of inspection across the county. Contact: eimear.branney@ncdc.gov.uk</p>
RD3	<p>In the strongest terms, it is recommended that authorities without an officer(s) responsible for ensuring that legally required duties are carried out should appoint one as soon as possible. (This recommendation was included within AQ05(05)).</p>	<p>Carrying out the LAPPC and LA-IPPC role is a statutory function and all authorities should have an in-house officer or officers to carry it out, or have arrangements for external provision as discussed in RP6 above.</p>
RD4	<p>Defra should keep the issue of training for pollution control officers on the agenda of stakeholders concerns and ensure it is discussed at the six-monthly IPLC meetings with the aim of maintaining an adequate supply of courses and topics.</p>	<p>IPLC has been actively discussing training and a sub-committee of Neil Turner (NSCA [now Environmental Protection UK]) and Martin Cranfield (Cranfield Associates), with input from LACORS and CIEH, is now finalising establishment of an accredited one week course, with short examination, aimed at those officers new to PPC, or whose PPC experience needs refreshing.</p>
RD5	<p>To authorities where training is not a budget priority, it is recommended, in the strongest terms, that in line with the recommendation in AQ05(05), they identify training needs of the pollution control team, in particular with regard to any new regime and new team members and ensure resources are made available for training as a matter of priority. They should recognise that they are in a minority and that the rest of their fellow authorities agree with their professional institute that training is a vital element in delivering a good quality pollution control service.</p>	<p>All officers undertaking PPC functions should have the necessary competences. Guidance already exists in the Chartered Institute of Environmental Health's Management Guide. The course referred to under RD4 should provide a valuable source of training to achieve this, although there already exist training opportunities through independent trainers, through the EMAQ system operated by CIEH, through self-help activities by pollution groups, through link groups, etc.</p> <p>Some training options can be free. Paragraph 7 of the introduction to this action plan makes clear that Defra and WAG will be responsive to any justified case for raising fees and charges, and this includes costs associated with enhanced training and competency arrangements.</p> <p>The proposed charges for 2007/8 have been increased expressly to boost income for training purposes</p> <p>Since 2003 Norfolk PPC subgroup of the Norfolk Environmental Protection Group organises local joint training on specific PPC issues. Outside organisations are regularly contracted to conduct the training – most recently on dry cleaning requirements. Travel costs and training fees are reduced as a result. Attendance levels are high and economies of scale are significant due to the format of the training. Contact: zandra.waterford@breckland.gov.uk</p> <p>CIEH Management Guide: Section 7 – Officers undertaking the function (p21)</p> <p>http://www.cieh.org/library/Knowledge/Environmental_pr</p>

		rotection/IPCManGuide.pdf
RD6	Authorities should carry out cascade training within their authority, and between neighbouring authorities. (This recommendation was included within AQ05(05)).	Cascade training is one option local authorities can consider in relation to RD5.
RD7	Authorities, who have not found the resources to draft a written procedure for authorising a process to ensure consistency, should make it a priority to allocate funds/resources for this activity in future planning. (This recommendation was included within AQ05(05)).	<p>The response to RP2 makes plain that written notes for handovers is essential to succession planning. Written procedures for authorising processes are highly desirable and should probably form part of the handover notes.</p> <p>Written procedures can prevent officers taking time in 're-inventing the wheel'. Since precise procedures are likely to be authority-specific, it will probably be necessary for each authority to produce its own. But there is no need for the procedure document to be elaborate, and the time taken to list the key steps should be more than recouped by having everything clearly set out for all relevant officers.</p>
RD8	Authorities who disagree with the vast majority of their fellow authorities, their professional institute and AQ05(05), should review their reasons and follow the advice to draft checklists to use as an aide memoir and/or to record the findings of each inspection/visit. It is also recommended, that authorities who have not found the resources to do so, make it a priority to allocate funds/resources for this activity in future planning.	<p>Action plan stakeholders expect there to be a balance between consistency and uniformity on the one hand, and individual local authority discretion on the other. There is not a single 'right' way in managing the LAPPC/LA-IPPC function. On the other hand, managers at authorities which are doing things very differently should satisfy themselves that their delivery of the function is still effective and in accordance with all the legislation.</p> <p>CIEH Management Guide: Section 11 – An informal checklist (p53) and Appendix 11 – Inspection forms (p149)</p> <p>http://www.cieh.org/library/Knowledge/Environmental_protection/IPCManGuide.pdf</p>
<p>SETTLED ISSUES (RS) "Settled issues" are described by Atkins as those issues where progress has been made, or is planned to be made, by more than 90 of the responding authorities. The Review found that on these issues there is consensus regarding acceptance as Best Practice and nationwide progress to implement the recommended course of action.</p>		
RS1	Those authorities without an inspection plan, nor any plans to implement them, should make it a priority to create one as soon as possible. (This recommendation was included within AQ05(05)).	Atkins recommends that settled issues should still be checked by future Reviews to ensure that those planning to take action have done so. The action plan stakeholders welcome that authorities have generally accepted and progressed this set of 8 recommendations, but consider it important that they remain on the agenda for all local authorities so that progress is maintained.
RS2	Authorities still wishing to share resources as a member of a pollution group should allocate the time and/or money to do so as a matter of priority.	see RS1
RS3	Authorities who have not found the resources to maintain the Public Register separately to the working files and have individual files in the Public Register for each authorised process, should make it a priority to allocate funds/resources for this activity in future planning. (This recommendation was included	see RS1

	within AQ05(05)).	
RS4	Authorities should ensure that authorised process files conform to the Public Register checklist, as detailed in Chapter 29 of the General Guidance Manual. (This recommendation was included within AQ05(05)).	see RS1
RS5	Authorities who have not found the resources to implement procedures to ensure the pollution control team are notified of any non-payment of fees and charges should make it a priority to allocate funds/resources for this activity in future planning. (This recommendation was included within AQ05(05)).	see RS1
RS6	Authorities who have not found the resources to ensure the working files should demonstrate continuity of regulation and inspection and ensure the working file contains records of all letters, inspection notes, monitoring data, make it a priority to allocate funds/resources for this activity as soon as possible. (This recommendation was included within AQ05(05)).	see RS1
RS7	Authorities who have not found the resources to allocate time to review monitoring reports received from Process Operators, should make it a priority to allocate funds/resources for this activity in future planning. (This recommendation was included within AQ05(05)).	see RS1
RS8	Authorities, who have not found the resources to adopt an enforcement policy relevant to LAPC, should make it a priority to allocate funds/resources for this activity in future planning. (This recommendation was included within AQ05(05)).	see RS1
FORWARD PLANNING (FP) “Forward planning” issues are recommendations regarding the conduct of the Review and the on-going promotion of best practice.		
FPR1	We recommend that those authorities believing they do not have the resources to implement Best Practice communicate with those authorities who have implemented much of it, this communication will provide evidence that implementation of Best Practice results in improved efficiency and greater effectiveness regarding time and resources, making implementation cost neutral and beneficial to the running of the pollution control function over time.	Comments above about best value, benchmarking, and working with others apply here.

FPR2	It is recommended that the specification for future Reviews includes an assessment to understand differing levels of performance on issues.	This will be borne in mind in the event of future performance reviews of this type. One particular focus for any such future reviews will be the nature and quality of inspections undertaken by authorities, in order to build on current data on numbers of inspections.
FPR3	It is recommended that all those organisations with some influence over local authority performance increase their efforts to convince those authorities ignoring advice and Best Practice to no longer do so and to improve management awareness and understanding that initial investments in management processes result in subsequent financial and resource savings.	This action plan has been produced by all key stakeholders including a professional body, an environmental charity and local authority organisations.
FPR4	Following Defra giving authorities at least one full financial year to enable authorities to allocate budgets for implementing Best Practice, it is recommended that Defra begin to conduct annual surveys resulting in the publishing of performance tables showing which authorities have adopted which items of Best Practice and which have not.	Action plan stakeholders consider it necessary to balance the benefits of continuing regular performance reviews with the costs and burdens of so doing.
FPR5	It is recommended that that if possible any future Reviews use questionnaires with questions requiring “yes” or “no” answers as this assists officers by being easy and quick to complete and therefore results in a better rate of Review participation.	This will be borne in mind in the event of future performance reviews of this type

Good practice examples

The following examples were published in 2004 and were current at that time.

West Lancashire District Council for the Lancashire Group of Local Authorities

performance indicators: has developed a performance indicator for inspections, and as such accords with one of the recommendations of the 2004 Atkins report for Defra reviewing the performance of local authorities regarding LAPC, LAPPCC and LA-IPPC.

communications: writes to all processes after an inspection has been made and has a designated officer responsible for updating and reviewing the content of the public register. Has publicised its enforcement policy which complies with the Enforcement Concordat. Guidance has been produced on monitoring and issued (see below) and planned on solvents/VOCs to improve standards, increase awareness, and achieve improvements through influencing as well as formal regulation. It is expected that the monitoring and solvents guidance will be taken up by the Manchester Area Pollution Advisory Council.

emissions monitoring/training: uses officers who have been on an emissions monitoring course to audit monitoring; requires a pre-emissions protocol enforced by an authorisation condition; and has produced a guide to emission sampling at authorised processes and permitted installations which has been sent to all regulated processes.

Epping Forest DC for Essex Environmental Protection Study Group

efficiency savings (“major time saving” and “good document management”): have a documented procedure manual for the delivery of the service, including enforcement policy, guides to LAPPC, and a full (hyperlinked) set of standard letters/forms/notices including inspection and report forms. Also have plans to link standard documents to the Council’s management information system to allow automatic insertion of operators’ contact details etc.

communications: have produced a guide to the regime for installation operators. Will be updating the Council web site to include a page of useful information and downloads for the service, to act as a kind of one-stop shop for forms and guidance”. Produced in February 2004, the first newsletter for operators of listed PPC installations was published. Future issues will be delivered during site visits or posted with the subsistence fee demand and placed on the Council web site. The newsletter is seen as a useful method of keeping operators up to date between inspections, and as an ‘ice-breaker’, in particular for the introduction of dry cleaners to the LAPPC regime.

inspection: produce inspection reports which “presents an unambiguous record of the inspection, clearly identifying items required in order to comply with the authorisation/permit”.

cost accounting: “The completion of such cost accounting statements enables ‘at a glance’ overview of the financial management of the LAPPC service. It enables the Council and interested operators to see how the cost to the service arise, and demonstrates the overall income and expenditure of the service.”

risk: each inspection report for processes other than small waste oil burners and service stations has a copy of the completed risk rating attached. “The completion of the risk assessment after a routine compliance inspection has allowed the generation of an inspection timetable for 2004/05, allowing officers to prioritise work in advance.”

business assistance: aside from the above-mentioned guide for operators, have produced a dedicated logbook for operators of waste oil burners following the recent Defra requirement to search the district for waste oil burners not previously authorised.

Mid-Bedfordshire District Council for the Hertfordshire and Bedfordshire Pollution Group

efficiency savings: have new internal procedures including standard forms, notices, letters and checklists. Now have a database incorporating all details of installations, including key dates for authorisations, variations, reviews, inspections, notices and monitoring – by holding this information in one place the authority now has fast and efficient identification of problem areas and previous poor performance.

communications: have new customer-focused teams to allow a one-stop approach; the Work Environment Team has been created to service all commercial aspects of environmental health work, including the processing, inspection and enforcement of LAPC/LAPPC/LA-IPPC. Awareness-raising activities have been carried out amongst a number of sectors. Awareness of industry regulation has been raised among Council

Members by publishing an information article about the service. A bi-annual newsletter is sent to all commercial premises in the district and has contained articles about LAPC etc. Details of the content of the public register are on the Council website to enable the public to identify nearby industrial processes and see what the authority is doing to regulate them; and email appointments can be made to view the full register details.

inspection and risk: risk assessments have been input to the above-mentioned database to create a formal inspection timetable.

accountability: monthly progress against the above timetable is reported as a Key Performance Indicator (KPI). KPIs are reported to the Council's Senior Management Group, Heads of Service and Portfolio Holders monthly and to Executive Members quarterly, and published on the website.

business assistance: The council has produced a series of Advice Notes for operators to guide them through the application and regulation process. These have focussed on key aspects of the application and permitting procedure. The Council website has a dedicated section for the regulation of industry with all advice notes, application forms and policies downloadable. Applications may be submitted over the internet directly to the relevant officer and facilities will shortly be in place to pay application fees.

Camden Borough Council for the London Pollution Study Group

Camden has submitted an approach to **cost accounting** following the publication of AQ2(01) additional guidance note which was developed by the whole Group. This includes a spreadsheet and comprises four elements:

- records are kept on the front sheet of each process folder and maintained by the officer responsible for inspecting the process
- information is collated annually by the Part B coordinator and entered onto a spreadsheet
- work not directly attributable to a process is recorded on a separate worksheet
- the spreadsheet is used at the end of the accounting period to assist with the Defra statistical return.

The spreadsheet (in Excel) includes codes taken from the AQ note, records time in 15-minute periods, includes drop-down menus, and at the end of the financial period the data is sorted by the process column allowing a simple calculation to produce the time spent inspecting each process.

The benefits of this include provision of an accurate electronic record of time spent, increased consistency in time recording across London and consequently simplistic benchmarking, recording of process and non-process related activities, identification of problematic and resource-intensive processes, comparison of resources devoted to different process types. The approach is very easy to use and requires little training – there is an accompanying procedure note which should be self-explanatory. The approach could be readily adapted to any alteration in the cost accounting guidance.

High Peak Borough Council for the Derbyshire Environmental Protection Group

This submission highlighted practice various of the authorities in the Group.

Derbyshire Dales has developed a spreadsheet based on the Defra/WAG risk rating guidance, including an easy-to-use calculation aid to determine visit frequencies. Derbyshire Dales also has an enforcement policy which includes a decision tree, which is easily updated to cater for LAPPC, and which will be adopted County-wide.

High Peak has linked its risk assessment programme to a computerised diary system (Lotus Organiser) in order to schedule inspection visits. This allows logging and display of required inspection visits with 'flags' for outstanding visits to ensure none is missed. This can be transferred to Microsoft Outlook.

North-East Derbyshire has a concise protocol outlining the planning, conduct and reporting of LAPC inspection, ensuring consistency of approach and recording of all the necessary information.

Mansfield has placed a copy of the above-mentioned enforcement policy on its website. Mansfield also has a system of regular meetings with process operators (an Environmental Health Business Focus Group) to discuss service standards, which highlights awareness amongst operators of what LAPC service the authority offers, what is expected in return, and sets up a mechanism for continuous improvement. Mansfield District Council have IIP, a business plan, performance indicators, and complaints monitoring procedures.

Erewash has produced a written re-visits policy which forms part of their Enforcement Policy Statement and formalises the follow-up procedure following the issue of a notice or written advice.

Amber Valley and South Derbyshire have adopted a Charter for the service, including a business plan, performance indicators, and complaints monitoring.

Chesterfield have a service specific (ie LAPPC only) Best Value performance plan.

Good practice examples added October 2010

Local authorities were invited in March 2010 to submit to Defra examples of good practice. The 10 submissions are summarised:-

- **Benchmarking (including customer care satisfaction forms) - Croydon Council/South London Cluster Group**

During 2008 the LAQN South London Cluster Group (consisting of the London Boroughs of Bromley, Croydon, Greenwich, Lewisham, Merton, Sutton and Wandsworth) carried out an Environmental benchmarking exercise for the regulation of Permitted installations and the undertaking of their Local Air Quality Management functions.

The aims of the benchmarking process were to compare how each authority undertook the various functions so that they could learn from one another and also ensure that consistent regulation across the region takes place. The authorities compared how each authority undertook various activities with the objective of comparing to improve. The purpose of undertaking the benchmarking process was not to pinpoint the worst performers but rather to learn from one another and share best practice. The intention was to look at what they were all good at, what they could do better, and how they would achieve the improvements.

The benchmarking process was conducted by the completion of matrices devised by the group. The matrix for LAPC is below. The main conclusions regarding LAPC were

- B1 Funding could be applied for/ experience gained from Croydon regarding making inspection results available on line.
- C8 Two authorities did not have a specific enforcement policy for LAPPC. A copy of other authorities' enforcement policies could be sent around
- C9 Five methods in AQ9(05) to conduct an investigation of unregulated installations to be reviewed, and to see if these could be done annually, and develop a plan for doing so.
- D1 Proposal to set up a mentoring/sharing information forum to ensure that officers were adequately trained in new legislation/ guidance – eg resurrection of the PPC forum
- E2 Croydon would send customer care satisfaction forms to other authorities as they were the only ones conducting this.
- F2 Written procedures for part Bs could be reviewed so that a consistent approach is adopted throughout the cluster group area.

CROYDON COUNCIL, contact Linda Johnson Tel: 0208 726 6000 Extn 61931 , Email: linda.johnson@croydon.gov.uk , Website: www.croydon.gov.uk .

Standard/ Statutory Requirements	Best Practice Level 1	Best Practice Level 2	Best Practice Level 3
Application process for LAPPC & LA-IPPC Permit			
All applications for LAPPC & LA-IPPC permits should be deemed 'duly made' within 14 days of receipt of application			
The application for a permit should be placed on public register within 14 days of application being 'duly made'			
The public consultation completed within a period of 28 days following the application being 'duly made'			

The local authority should consider all responses, undertake a site visit and issue draft permit within 28 days following public consultation			
The local authority should make a determination and issue a permit within 4 months upon receipt of application			
The local authority should make a determination for variation of a permit within 4 months with consultation and 3 months without consultation			
The local authority should make a determination for a permit transfers within 2 months			
The local authority undertakes all enforcement notices in accordance with appropriate timescales			
Inspections and Visits			
The local authority undertakes all due inspections within 12 month period according its inspection plan	The local authority should put in place an inspection database to record details of inspections undertaken	The local authority should put in place an inspection database that is able to generate date of next inspection via inputting of a risk score	The local authority should make inspection results available on website
The local authority conducts all inspections in accordance with the guidance provided in the CIEH Management Guide and General Guidance Manual. (General Guidance Manual on Policy and Procedures for A2 and B Installations - Part B - Chapter 32: Local Authority Good Practice)			

Where the local authority took no action on more than 50% of their inspections it has undertaken has written plans to benchmark its inspection procedure against authorities with a low percentage (e.g. less than 25%) of inspections resulting in no action.			
Administration			
All LAPPC/ LA-IPPC reviews are completed within appropriate timescales (every 6 years)			
Permits are reviewed following any new upgrading requirements for the installation and updating of process guidance notes within 6 months			
Time recording is undertaken for all time spent on permitted installations work; including: inspections, traveling and administration (General Guidance Manual on Policy and Procedures for A2 and B Installations - Part B - Chapter 32: Local Authority Good Practice)	The local authority has a system of cost accounting in place where by all costs in providing the service are recorded and available on the public register (General Guidance Manual on Policy and Procedures for A2 and B Installations - Part B - Chapter 32: Local Authority Good Practice)		
The local authority completes risk assessments annually			
DEFRA's annual statistical return are completed	DEFRA's annual statistical return are completed on time		
All fees and charges are collected in year.	Procedures are in place to ensure that the pollution control team are notified of non-payment of fees and charges	PPC invoices are issued within three months of the beginning of the financial year	A system is in place for payment of fees and charges online

All appropriate information is on a Public register as set out in paragraph 1 of schedule 9 to the PPC regulations	A list of installations is available to view on website	Application forms (new installation, variation etc.) are available online to be downloaded completed and returned by post	The whole public register available online
The local authority has in place a Departmental Enforcement Policy	The local authority has a specific Permitted Installations enforcement policy in place		
The local authority conducts an investigation of unregulated installations every 3 years (using at least 5 of methods defined in (General Guidance Manual on Policy and Procedures for A2 and B Installations - Part B - Chapter 32: Local Authority Good Practice)	The local authority conducts an investigation of unregulated installations annually (using at least 5 of methods defined in (General Guidance Manual on Policy and Procedures for A2 and B Installations - Part B - Chapter 32: Local Authority Good Practice)		
Training			
PPC officers carrying out inspections have received training to ensure that they are competent and authorised i.e. In-house training. (General Guidance Manual on Policy and Procedures for A2 and B Installations - Part B - Chapter 32: Local Authority Good Practice)	The officer principally responsible for PPC attends at least 3 half day CPD type events annually e.g. meetings, seminars etc	Personnel carrying out inspection have a formal qualification in PPC e.g. Certificate of Competence (CIEH)	
Communication			
The local authority has in place a communication strategy to update operators on changes in legislation, when new requirements will be enforced e.g. provide a newsletter when changes occur or new regulation comes into force (General Guidance Manual on Policy and Procedures for A2 and B Installations - Part B - Annex VII RP5)	The local authority sets up meetings/training sessions for operators to inform them of new requirements		

	The local authority issues customer care forms following at least one inspection per installation per year	The local authority includes questions to identify satisfaction rates with inspection and value for money in line with indicator NI 182 "satisfaction of businesses with local authority regulatory services" in customer care form	
Atkins Performance Review of LAPPC and LA-IPPC			
			The local authority undertakes peer reviews with partner authorities, in particular assessing the competence of those conducting the pollution control function.(General Guidance Manual on Policy and Procedures for A2 and B Installations - Part B - Chapter 32: Local Authority Good Practice)
The local authority has written procedures to minimise the disruption caused by turnover of pollution control officers in line with General Guidance Manual on Policy and Procedures for A2 and B Installations - Part B - Chapter 23: Local Authority Good Practice)			
32/32	7/10	1/4	1/4

- **Partnership - Huntingdonshire DC and Cambridgeshire CC**

This is a three-way tie-up between the LAPC function, trading standards and the work of petroleum officers.

Huntingdonshire District Council and Cambridgeshire County Council, Trading Standards entered into a contract that the Petroleum Officers undertake the Council's petrol vapour recovery inspections in return for a percentage of the subsistence fee. In the first year of this agreement 100% of facilities were inspected with only minor infringements which were successfully resolved.

The outsourcing of these inspections has resulted in a reduction on the regulatory burden on the operators by reducing the number of inspections they have and has freed up officer time to focus on other service issues. The contract has also resulted in a greater understanding of the different roles of the Petroleum Officer and Environment Protection and has led to information sharing between the two functions.

HUNTINGDONSHIRE DISTRICT COUNCIL, contact Dave Bass Tel: 01480 388363
 Email: Dave.Bass@huntsdc.gov.uk , Website:
<http://www.huntingdonshire.gov.uk/Pages/Home.aspx> .

- **Risk assessment - London Borough of Barking and Dagenham Council**

Below is a spreadsheet devised by this authority for completing the risk assessment. By clicking on the type of process, the relevant risk assessment categories appear. Officers print off a blank copy of the spreadsheet and take it out on inspections so as to collect the relevant information.

LONDON BOROUGH OF BARKING AND DAGENHAM, contact n Mark Tel: 0208 227 5382, Email: Ann.Mark@lbbd.gov.uk , Website: <http://www.barking-dagenham.gov.uk/>

Risk Assessment Spreadsheet

Local Authority	<i>Barking & Dagenham Council</i>		
Name of Process	Date	12 October 2010	
Premises			
Inspector's Details	risk method	dry cleaner	
Operator's Rep			
	Reference		
Environmental Impact Appraisal			
Table A1.1 - Risk Rating (A or B or C)		Answer (A, B, C or N/A)	
N/A			
N/A			
N/A			
Table A1.2 - Status of Upgrading (A or B or C or D)		Answer (A, B, C or D)	
N/A			
Table A1.3 - Sensitivity of Receptors		Answer Yes or No (For All)	

N/A	(x) High
	(y) Medium
	(z) Low
N/A	(x) High
	(y) Medium
	(z) Low
N/A	(x) High
	(y) Medium
	(z) Low
N/A	(x) High
	(y) Medium
	(z) Low

Sensitivity of Receptors Score

Table A1.4 - Other Targets

N/A

N/A

Answer (A or B)

--

Operator Performance Appraisal

Table B1.1 - Scale of Non-Compliance

- (a) Incident leading to justified complaint but no breach of any permit condition
- (b) Incident leading to a justified complaint
- (c) Breach of permit not leading to formal action
- (d) Incident leading to formal caution, Enforcement Notice or prosecution
- (e) Incident leading to a Prohibition Notice or Suspension Notice

No. of Incidences

Table B1.2 - Assessment of monitoring, maintenance & records

- (a) Are loads weighed & weights recorded for all loads? Does the operator maintain a weekly inventory of solvent usage, product cleaned, and solvent waste sent for recovery or disposal?
- (b) Process operation modified where any problems indicated by monitoring?
- (c) Fully documented and adhered to maintenance/service plan, in line with permit?

Answer Yes or No or N/A

(d) Full documented records as required in permit available on-site?

(e) All relevant documents forwarded to the authority by date required?

N/A

Table B1.3 - Assessment of Management, Training and Responsibility

(a) Are all operating staff aware of where the operating manual for each dry cleaning machine can be found and do they have ready access to it?

(b) Are nominated trained members of staff exclusively permitted to operate the machines?

(c) Are all operating staff trained in the operation of each dry cleaning machine and the control and use of dry cleaning solvents?

(d) Are records kept of training received by operating staff?

(e) Are suitably trained or experienced staff on site while machines are operating?

(f) Is an 'appropriate' environmental management system in place & working effectively?

TOTAL SCORE (Min -10, Max 110)

CATEGORY (<30 = Low, 30-55 = Medium, 55+ = High)

REGULATORY EFFORT (Low = 1.5 Hrs, Medium = 3.1 Hrs, High = 4.6 Hrs)

0

Low

		LOW	11 October 2013
office use only	next scheduled inspection	MEDIUM	12 October 2011
		HIGH	12 April 2011
office use only	last risk assessment		

- **Cost accounting/time recording - London Borough of Barking and Dagenham Council**

LONDON BOROUGH OF BARKING AND DAGENHAM, contact n Mark Tel: 0208 227 5382, Email: Ann.Mark@lbbd.gov.uk , Website: <http://www.barking-dagenham.gov.uk/>

Each installation has its own record.

MAU - Miscellaneous Activities Update (LIVE)

Find Browse Personal D/b Update Additional Data Record Defaults Utilities Help Exit

Number 007029 Premises S115D0120D/1
 LA Reference Scheduled Date Actual Date 13/ 6/2006
 Name David Moorcroft Professional Drycleaners
 Address 120 Dagenham Road, Rush Green, Romford, Essex

Activity Details Consultees

Activity P6D PG6/46 Dry Cleaners
 Unit EP Environmental Protection
 Officer LHG Lynsey Green

Description M/007029/LG300051 issued 1/1/08-varied 16/06/08 by M/007029/A/ MITO Max 250 Serial no.265, Capacity 20kg. Scales Salter 235

Dates
 Target
 First Response
 Date Closed

Fee Payment received

Action ACT Action Required Actions Undefined
 Assess Conditions Undefined Text Save Undo

Browse by: Activity
 Ctrl+N=Next Ctrl+P=Prev Ctrl+=Insert Ctrl+D=Delete Ctrl+Q=Display Default Ctrl+S=Select Default Ctrl+G=GIS Link

The actions are coded and the time spent on each is updated on the database (1 unit = 10 minutes)

MAU - Action Diary (LIVE)

Personal D/b Record Utilities Help Exit

Action Premises

Ref: 199805 Misc. Activities: 007029 Ref: S115D0120D/1
 Name: David Moorcroft Professional Drycle:
 Address: 120 Dagenham Road, Rush Green

Closed Type: ACT Items: 89

Template... Full Diary Mode...

Item	Det	Description	Scheduled	Actual	Off	Time	Idx	Tx	Activity
38	PVZ	Insp New application < 30 mins - helped David moorcroft fill out the transfer application form.		10/12/2007	LG3	3	*		V/19265
39	PVZ	Insp New application < 30 mins - to produce site plan for new permit		11/12/2007	LG3	3			
40	PNP	permit M/007029/LG300051 - Recorded delivery		12/12/2007	LG3	1			
41	POA	Ref DL 3461 4607 5GB Research / admin - Scanned signed copy of transfer form		12/12/2007	LG3	1	*		
42	PVG	*Insp Gen compliance 30 min - 2 hrs - recently changed hands	27/ 2/2008	27/ 2/2008	LG3	6	*		V/019588
43	AZI	Team Leader - inspection (accompany officer(s))		27/ 2/2008	AAM	6			
44	ATR	Telephone call received @14.34hrs from		16/ 6/2008	AAM	1			

Summary Print Header...
 Text... Time Sheet.. Delete OK Cancel Apply

F5=Insert, SF5=Add, F6=Amend, F7=Delete, F8=Text, F9=Date Sort, SF3=Move Up, SF4=Move Down

Each action is grouped in the DEFRA categories. Each year a report is run and the information is updated in a spreadsheet which calculates the costs for each category see

attached.

Microsoft Excel - EPR cost accounting LBBB 2007-8				
Type a question for help				
75%				
Reply with Changes... End Review...				
I39				
fx				
	A	B	C	D
1	COST ACCOUNTING SUMMARY		<i>financial year</i>	1/42007-31/3/2008
2	<i>created by Rex Mark</i>			
3				
4	group code	units	hours	cost
5	P01 routine inspections	450	75.00	£ 1,954.29
6	P02 review of monitoring data	73	12.17	£ 242.71
7	P03 dealing with complaints	9	1.50	£ 39.76
8	P04 monitoring upgrading	71	11.83	£ 441.61
9	P05 review of permits	172	28.67	£ 692.55
10	P06 visits - training	390	65.00	£ 1,496.58
11	P07 purchase of LAPC equipment or services	6	1.00	£ 30.24
12	P08 enforcement, appeal & prosecution	93	15.50	£ 374.74
13	P09 assessing applications	55	9.17	£ 206.25
14	P10 producing permits	662	110.33	£ 2,378.97
15	P11 visits - new applications	233	38.83	£ 1,014.86
16	P12 visits - complaint	94	15.67	£ 387.16
17	P13 identifying processes without permit	26	4.33	£ 114.92
18	P14 visits - existing applications	166	27.67	£ 730.03
19	P15 LAPC IT work not covered in "on costs"	102	17.00	£ 431.80
20	P16 administration + cost accounting	2457	409.50	£ 11,324.95
21				
22	accounted for	5059.00	843.17	£ 21,861.42
23				
24	AQ adjusted figure	5061.53	843.59	£ 21,872.35
25				
26	available	7728.00	1288.00	£ 16,670.91
27				
28	% adjusted accounted for/available	65.5%	65.5%	131.2%
29				
30	direct cost			£ 18,226.96
31	indirect cost			£ 3,645.39
32				
33		<i>contracted hours per 5 day week</i>	35.0	
34	variables: available cost is the income for the financial year = value submitted in DEFRA stats. Available hours complete unprotected boxes in column c.	<i>days annual leave /year</i>	30.0	
35		<i>Full Time</i>		
36		<i>Equivalents (FTE)</i>	0.8	
37		<i>1 flare unit in mins</i>	10	
38		<i>indirect cost rate</i>	1.2	
39	comments:			
40	P16 administration + cost accounting	work sheet can calculate up to 3000 rows of data, other sheets calculate up to 1000 rows		

- **Searching for unregulated installations – Bromsgrove District Council**

In 2009 Bromsgrove District Council carried out a survey of the district for waste oil burners and paint resprayers. A search on the internet and yellow pages was carried out to find garages and body repair workshops in the district and the following letter was sent. This resulted in two applications for waste oil burners and also since then two enquires have been made with applications been sent out for new waste oil burner permits. Although this number seems small, Bromsgrove consider it is quite significant for the size of the authority and it has made relations with the existing permit holders better as they can see that we are proactively seeking out unpermitted premises that are not paying the fees that they are having to pay.

BROMSGROVE DISTRICT COUNCIL, contact Michelle Lowe, Tel: **01527 881299**, Email: m.lowe@bromsgrove.gov.uk , Website: www.bromsgrove.gov.uk .

Bromsgrove District Council is currently carrying out a survey of its District area to ensure that any businesses that carry out activities listed under the above statutory regulations are appropriately permitted.

We are currently looking at the following activities:

1. The re-painting or re-spraying of road vehicles, or any road vehicle parts, where the carrying out of this activity is likely to involve the use of 1 or more tonne(s) of organic solvents in any 12 month period.
2. The operation of waste oil burning appliances with a rating thermal output not exceeding 0.4MW.

If you carry out either, or both, of the above activities at your premises you must apply for a Permit from the Council to carry on with this activity.

It is an offence under Regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007 [now 2010] to carry out the above described activities without a Permit. The penalty for this offence if found guilty in the magistrates court is a maximum 50,000 fine and/or up to 6 months imprisonment.

Application forms can be downloaded from our website at <http://bromsgrove.whub.org.uk/home/bdc-environmental-health-industrial-pollution-control-applying-for-a-permit>. Please submit the completed form to m.lowe@bromsgrove.gov.uk or to the address at the top of this letter. If you require a hard copy of an application form please contact me on 01527 881299. Specific guidance on re-spraying of road vehicles or waste oil burners can be found at [now [here](#)].

If you require any further information please contact me on the above telephone number.

- **LA awareness-raising for operators – NE Lincolnshire Council**

North East Lincolnshire Council regulate the largest UK port in terms of amount of coal importation. NELC have set up a quarterly environmental forum for installation operators, including stevedoring and coal storage, Immingham Port Regulators and ABP,

to raise and discuss environmental issues. Feedback is obtained from installation operators and regulators, actions can be raised to resolve various environmental issues. A weather monitoring system across Immingham Port has also been implemented to identify hazard level and the associated actions required.

NE LINCOLNSHIRE COUNCIL, contact Danny Fox, Tel: 01472 324787, Email: danny.fox@nelincs.gov.uk , Website: <http://www.nelincs.gov.uk/> .

- **Good practice re monitoring – Lewes District Council**

Lewes District Council ensure that when monitoring is being undertaken at particular sites that they attend the site. They consider that their attendance at site is beneficial as enables them to be certain that the monitoring was undertaken correctly and during a period of representative output.

Their presence on site allows the operator, monitoring company and any other concerned parties to raise their concerns directly to them. They consider it allows them to check that the conditions relating to monitoring within the permit are being followed and provides them with a strong base from which to respond to complainants' concerns.

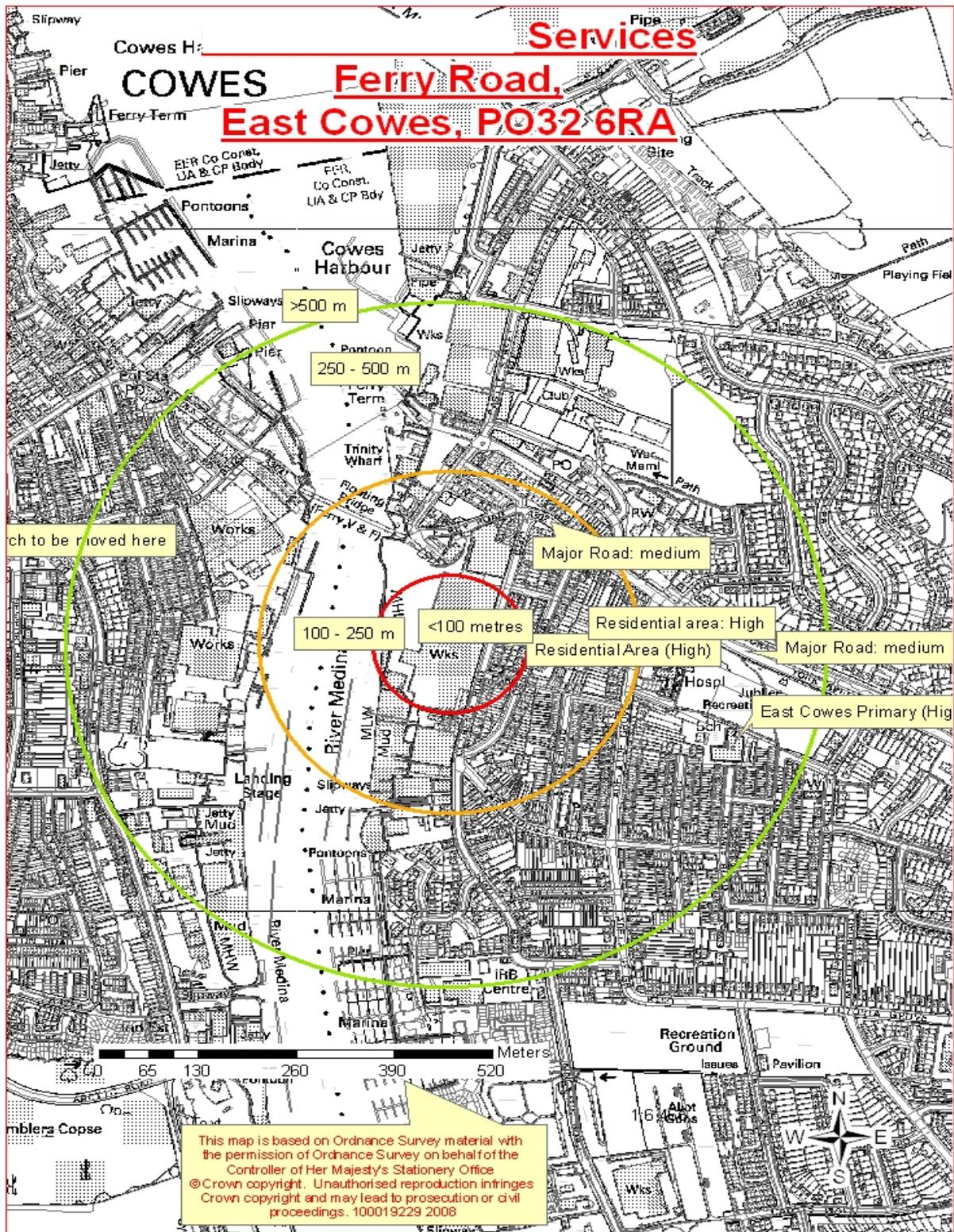
It is especially notable that Lewis DC recognise the value of this when looking at the reports they receive. They say that they are able to appreciate the context in which the monitoring was undertaken and address any issues which arise during the monitoring.

LEWIS DISTRICT COUNCIL, contact Mark Holland, Tel: 01273 484494, Email: mark.holland@lewes.gov.uk , Website: <http://www.lewes.gov.uk/> .

- **Use of GIS – Isle of Wight Council**

Isle of Wight Council use GIS when risk-rating premises in order to draw the appropriate radii on a map centred on the installation, which they refer to when going through the risk rating after an inspection. A copy is given to the operator which can aid with consistency, ie subsequent inspectors basing relevant scorings on proximity of relevant receptors to the site should record the same score. An example GIS map is below.

ISLE OF WIGHT COUNCIL, contact Gareth Davies, Tel: 01983 821000, Email: Gareth.Davies@IOW.gov.uk , Website: <http://www.iwight.com/homepage/> .



- **Use of personal protective equipment – Wirral Borough Council**

Wirral ensure that each installation file has an attachment stating the required PPE for each officer visit. Any identified risks are named, and the outcome of the identification recorded. This is being overseen by the Council's Health and Safety team. It is particularly useful when taking students on site. The attachment also records when

mobile phones are required to be turned off. This is particularly important when considering officer safety and in a lone worker situation.

WIRRAL BOROUGH COUNCIL, contact Susan Peel, Tel: 0151 691 8290, Email: suepeel@wirral.gov.uk , Website: <http://www.wirral.gov.uk/>.

- **Newsletter – South Gloucestershire Council**

South Gloucestershire Council produce an Environmental Protection Newsletter. The newsletter is sent to operators and shared with nearby councils. The sixth edition in December 2009 covered the extension of the risk-rating scheme, the requirement to apply for petrol vapour recovery stage II, the charging 'mothballing' scheme, implementation of the Paint Products Directive, benchmarking and better regulation activities, etc.

The newsletter includes the following helpful update for operators on the Council's service, headed 'Time monitoring for permitted installations': "The Government (Defra) continues to monitor us for time spent dealing with permitted installations. Inspection rates have reduced following the loss of key staff and other work commitments; we will return to our normal inspection rates following appropriate training of replacement staff and following restructuring".

SOUTH GLOUCESTERSHIRE COUNCIL, contact Neil Higgs, Tel: 01454863486, Email: neil.higgs@southglos.gov.uk , Website: www.southglos.gov.uk .

- **active use of EMS – Miller Goodall (LAPC etc consultants for various local authorities**

Miller Goodall, when undertaking LAPC work for local authorities, ask to be included in the EMS internal audit team once a year for any high- or medium-risk installation which has an EMS in place. They find that operators are happy to accommodate this since they ask similar questions to their auditors. For low risk installations they ask to see all non-compliance reports for the previous twelve months during inspections.

MILLER GOODALL, contact Lesley Goodall, Tel: 01204 596166 Email: lesley@millergoodall.co.uk , Website: <http://www.millergoodall.co.uk/>

Annex VIII Factors to be considered in determining BAT for LA-IPPC and LAPPC installations

This annex relates to chapter 12 of the Manual

Article 2(11) of the IPPC Directive defines “best available techniques” as follows:

“Best available techniques’ shall mean the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.

- ‘techniques’ shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned,
- ‘available’ techniques shall mean those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator,
- ‘best’ shall mean most effective in achieving a high general level of protection of the environment as a whole.

In determining the best available techniques, special consideration should be given to the items listed in Annex IV.”

Annex IV of the IPPC Directive specifies:

“Considerations to be taken into account when determining the best available techniques, as defined in Article 2(11), bearing in mind the likely costs and benefits of a measure and the principles of precaution and prevention.

[Only the five sub-paragraphs marked with an **asterisk** apply to LAPPC.]

- (1) the use of low-waste technology;
- (2) the use of less hazardous substances;
- (3) the furthering of recovery and recycling of substances generated and used in the process and of waste, where appropriate;

- (4) * comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;
- (5) * technological advances and changes in scientific knowledge and understanding;
- (6) * the nature, effects and volume of the emissions concerned;
- (7) * the commissioning dates for new or existing installations;
- (8) * the length of time needed to introduce the best available technique;
- (9) the consumption and nature of raw materials (including water) used in the process and the energy efficiency of the process;
- (10) the need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it;
- (11) the need to prevent accidents and to minimise the consequences for the environment;
- (12) the information published by the Commission pursuant to Article 16(2) of the Directive or by international organisations.”

Annex IX EC Environmental Quality Standards Relevant to LAPPC and LA-IPPC

This annex relates to chapter 15 of the Manual

Only the air quality standards are relevant to LAPPC. All standards quoted in this annex may be relevant to LA-IPPC.

Air Quality

The [Air Quality Standards Regulations 2010](#) give effect to the following directives

- Directive 96/62/EC on ambient air quality assessment and management (Air Quality Framework Directive);
- Directive 1999/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (first Daughter Directive);
- Directive 2000/69/EC relating to limit values for benzene and carbon monoxide in ambient air (second Daughter Directive)
- Directive 2002/3/EC relating to ozone in ambient air (third Daughter Directive).
- Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons (PAHs) in ambient air (fourth Daughter Directive).

The Air Quality Standards Regulations 2010 apply to England, with the exception of regulation 32 (relating to transboundary pollution), which applies throughout the United Kingdom. (Similar Regulations covering Scotland, Wales, Northern Ireland and Gibraltar will be produced by the Devolved Administrations and Gibraltar.)

Water Quality

Under Directive 76/464 on pollution caused by dangerous substances discharged into water the following daughter Directives set EQSs for List I substances:

- Directive 82/176 contains quality objectives for mercury discharged by the chloralkali electrolysis industry
- Directive 84/156 contains quality objectives for mercury discharged by other industrial sectors
- Directive 83/513 contains quality objectives for cadmium discharges

- Directive 84/491 contains quality objectives for hexachlorocyclohexane discharges
- Directive 86/280 contains quality objectives for DDT, carbon tetrachloride and pentachlorophenol
- Directive 88/347 contains quality objectives for aldrin, dieldrin, endrin, isodrin, hexachlorobenzene, hexachlorobutadiene and chloroform
- Directive 90/415 contains quality objectives for 1,2-dichloroethane, trichloroethane, perchloroethane and trichlorobenzene .

The EQSs set in these Directives are set out as statutory standards in the Surface Waters (Dangerous Substances) (Classification) Regulations 1989 (SI 1989/2286) and the Surface Waters (Dangerous Substances) (Classification) Regulations 1992 (SI 1992/337) in respect of the following substances:

- | | |
|--|---------------------------------------|
| - Aldrin, Dieldrin, Endrin and Isodrin | - Hexachlorocyclohexane (all isomers) |
| - Cadmium and its compounds | - Mercury and its compounds |
| - Carbon tetrachloride | - Pentachlorophenol and its compounds |
| - Chloroform | - 1,2-Dichloroethane |
| - DDT (all isomers) | - Trichloroethylene |
| - para-para-DDT | - Perchloroethylene |
| - Hexachlorobenzene | - Trichlorobenzene |
| - Hexachlorobutadiene | |

Where candidate List I substances, and List II substances, are concerned, it is for Member States to set statutory standards under the provisions for List II substances. National statutory EQSs are set under the Surface Waters (Dangerous Substances) (Classification) Regulations 1997 (SI 2560) and the Surface Waters (Dangerous Substances) (Classification) Regulations 1998 (SI 389) for the following substances:

- | | |
|------------------------------------|-------------------------------|
| - Arsenic | - 2,4-Dichlorophenol |
| - Atrazine and Simazine | - 2,4-D (ester and non-ester) |
| - Azinphos-methyl | - 1,1,1-Trichloroethane |
| - Dichlorvos | - 1,1,2-Trichloroethane |
| - Endosulphan | - Bentazone |
| - Fenitrothion | - Benzene |
| - Malathion | - Biphenyl |
| - Trifluralin | - Chloronitrotoluenes |
| - Tributyltin | - Demeton |
| - Triphenyltin and its derivatives | - Dimethoate |
| - 4-Chloro-3-methylphenol | - Linuron |
| - 2-Chlorophenol | - Mecoprop |
| | - Naphthalene |

- Omethoate
- Toluene
- Triazaphos
- Xylene

In addition non-statutory EQSs, pursuant to the List II requirements of the Dangerous Substances Directive, are set in Circular 7/89 for the following substances:

- Lead
- chromium
- zinc
- copper
- nickel
- boron
- iron
- pH
- vanadium
- PCSDs
- Cyfluthrin
- Sulcofuron
- Flucofuron
- Permethri

Directive 78/659 on the quality of fresh water supporting fish life. This Directive sets quality standards for two categories of water: suitable for salmonids (salmon, trout) and suitable for cyprinids (coarse fish). An annex sets out parameters which are either imperative (I) or guide (G) values for each type of water. Member States must set standards no less stringent than the I values and must endeavour to comply with the G values. The values are to be found in the Surface Waters (Fishlife) (Classification) Regulations 1997 (SI 1997/1331). The parameters are as follows:

- temperature
- dissolved oxygen
- pH
- suspended solids
- biochemical oxygen demand
- total phosphorus
- nitrates
- phenolic compounds
- petroleum hydrocarbons
- non-ionised ammonia
- total ammonium
- total residual chlorine
- total zinc
- dissolved copper

Directive 76/160 on the quality of bathing waters. The main objective of the Directive is to protect public health and the environment from faecal pollution at bathing waters. The Directive requires Member States to identify popular bathing areas and to monitor water quality at these bathing waters throughout the bathing season. The Directive sets a number of microbiological, physical and chemical standards that bathing waters must either comply with ('mandatory' standards) or endeavour to meet ('guideline' standards). The standards can be found in the Bathing Water (Classification) Regulations 1991 (SI 1991/1597) and associated directions and the parameters are as follows:

- total coliforms
- faecal coliforms
- faecal streptococci
- salmonella
- enteroviruses
- pH
- colour
- mineral oils
- surface active substances reacting with methylene blue
- phenols
- transparency
- dissolved oxygen

- tarry residues and floating materials such as wood, plastic, bottles, rubber
- ammonia
- nitrogen Kjeldahl
- pesticides
- heavy metals e.g. As, Cd, Cr, Pb, Hg
- cyanide
- nitrates and phosphates

A revised Bathing Water Directive entered into force on 24 March 2006 and the UK has until March 2008 to transpose the Directive. The BWD sets new tighter microbiological standards to be met by 2015 and each bathing water must be classified as either excellent, good, sufficient or poor. The standards are set out in full in the Directive and the parameters to be measured are as follows:

- intestinal enterococci
- escherichia coli
- cyanobacteria
- macro-algae
- marine phytoplankton
- tarry residues, glass, plastic, rubber or any other waste.

Directive 79/923 on the quality of shellfish waters (codified in 2006 – 2006/113/EC). The Directive seeks to protect or improve shellfish waters identified by Member States in order to support shellfish life and growth. The Directive sets physical, chemical and microbiological water quality requirements that designated shellfish waters must either comply with ('mandatory' standards) or endeavour to meet ('guideline' standards). The requirements can be found in the Surface Waters (Shellfish) (Classification) Regulations 1997 (SI 1997/1332) and associated directions and the parameters are as follows:

- pH
- temperature
- colouration (after filtration)
- suspended solids
- salinity
- dissolved oxygen
- petroleum hydrocarbons
- organohalogenated substances
- metals: Ag, As, Cd, Cr, Cu, Hg, Ni, Pb, Zn
- faecal coliforms
- substances affecting taste of shellfish
- saxitoxin (produced by dinoflagellates).

This Directive is repealed in December 2013 by the Water Framework Directive.

Directive 75/440 on the quality of surface water intended for the abstraction of drinking water. The purpose of this Directive is to ensure that designated water bodies which are used or intended for use for the abstraction of drinking water reach certain standards and that the abstracted water receives an appropriate level of treatment before being put into public supply. The

Directive establishes targets and target dates for qualitative goals and sets both imperative and guideline values for 46 parameters. These values can be found in the Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996 (SI 1996/3001). The Directive will be repealed by December 2007, when protection will be offered by the EC Water Framework Directive.

Groundwater Regulations 1998

Directive 80/68 on the protection of groundwater contains two lists of dangerous substances similar, but not identical, to those contained in the Dangerous Substances Directive. List I substances must not be allowed to enter groundwater, and List II substances must not be allowed to pollute groundwater.

Schedule of listed substances and recommendations for List I (Defra):

List I

1.-(1) Subject to the sub paragraph below, a substance is in List I if it belongs to one of the following families or groups of substances:

- (a) organohalogen compounds and substances that may form such compounds in the aquatic environment
- (b) organotin compounds
- (c) substances that possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment (including substances that have those properties that would otherwise be in List II)
- (d) mercury and its compounds
- (e) cadmium and its compounds
- (f) mineral oils and hydrocarbons
- (g) cyanides.

1.-(2) A substance is not in List I if it has been determined by the Regulator to be inappropriate to List I on the basis of a low risk of toxicity, persistence and bioaccumulation.

List II

2.-(1) A substance is in List II if it could have a harmful effect on groundwater and it belongs to one of these families or groups of substances:

- (a) the following metalloids and metals and their compounds:

zinc	tin	copper
barium	nickel	beryllium
chromium	boron	lead
uranium	selenium	vanadium
arsenic	cobalt	antimony
thallium	molybdenum	tellurium
titanium	silver	

- (b) biocides and their derivatives not appearing in List I
- (c) substances that have a harmful effect on the taste or odour of groundwater, and compounds liable to cause the formation of such substances in such water and to render it unfit for human consumption
- (d) toxic or persistent organic compounds of silicon, and substances that may cause the formation of such compounds in water, excluding those which are biologically harmless or are rapidly converted in water into harmless substances
- (e) inorganic compounds of phosphorus and elemental phosphorus
- (f) fluorides
- (g) ammonia and nitrates.

2.-(2) A substance is also in List 2 if:

- (a) it belongs to one of the families or groups of substances set out in paragraph 1(1) above
- (b) it has been determined by the Regulator to be inappropriate to List I under paragraph 1(2); and
- (c) it has been determined by the Regulator to be inappropriate to List II having regard to toxicity, persistence and bioaccumulation.

3.-(1) The Secretary of State or Scottish Ministers may review any decision of the Regulator in relation to the exercise of its powers under the paragraphs above.

3.-(2) The Secretary of State or Scottish Minister shall notify the Regulator of his decision following a review under List 1 sub paragraph 1 above and it shall be the duty of the Regulator to give effect to that decision.

4.- The Regulator shall from time to time publish a summary of the effect of its determinations under this Schedule in such manner as it considers appropriate and shall make copies of any such summary available to the public free of charge.

Specific List I and II substances, which have been assessed by the Joint Agency Groundwater Directive Advisory Group, should be accessible via the Environment Agency's website at this address http://www.environment-agency.gov.uk/static/documents/Research/final_determinations.pdf or type "groundwater directive advisory group" in the EA search engine.

The new Groundwater Directive, 2006/118/EC, which is due to be transposed into UK law by the end of 2008, may require some adjustment of the list of substances to be controlled in due course.

Directive 2000/60/EC (the Water Framework Directive) will require water to be managed on the basis of river basins. A river basin management plan will have to be drawn up for each region to ensure that good water quality is maintained. The Directive stipulates the use of both ELVs for point sources and EQSs. New standards adopted under this Directive may well replace those set out in some of the Directives above.

Annex X Additional guidance on cost accounting, the risk methodology, and charging

This annex relates to chapters 10, 23 and 27 of the Manual

This annex is in three parts:

- cost accounting – the further guidance referred to in Chapter 23
 1. general approach
 2. guidance for EHPs on chargeable activities
 3. guidance for finance personnel
- risk methodology - additional guidance on the risk methodology referred to in Chapter 27
- charging - further guidance referred to in Chapter 10
 1. A2 water charges: extract from the Lacors/Environment Agency Memorandum of Understanding
 2. mothballing/reduced operating levels: the procedures for reduced subsistence charges (England only).

Cost accounting

- the following three Sections contain a detailed version of the summary guidance in paragraph 23.5 of the Manual
- paragraphs 1-11 of Section 1 give the background
- Section 2 is for environmental health practitioners (EHPs)
- the guidance on financial calculations in Section 3 is written for local authority finance officers
- the guidance in this annex was drafted in consultation with CIPFA, LACORS, DCLG and the Audit Commission.

Section 1 – general approach

Background

1. LAPC cost accounting was first recommended in the Cardinal report in 1998¹: “enforcing authorities should develop and implement more detailed routine LAPC cost accounting. This includes requiring, where this does not occur, staff involved in LAPC to complete relevant time sheets for time spent on LAPPC.” The LGA and CIEH have previously endorsed the use of cost accounting for LAPC and the two Atkins performance reviews of LAPPC/LA-IPPC have both strongly endorsed cost accounting. Paragraph 1(2)(c) of Schedule 19 to the EP Regulations requires that cost accounts be placed on the public register:

" (m) all particulars of-

(i) any fees and charges paid to the local authority regulator pursuant to a scheme made under regulation 48, and

(ii) the total expenditure incurred by the authority in exercising its functions under these Regulations in respect of permits granted by the authority."

2. According to the Defra and WAG statistical survey covering 2006/07, 82% of local authorities had cost accounting practices in place by 31 March 2007, which is considerable progress since additional guidance note AQ2(01) was issued.

3. Defra and WAG continue to regard open and transparent cost accounting for LAPPC/LA-IPPC as an important element of a best value approach. Effective challenge, significant comparison, informed consultation and fair competition all depend on making financial and performance information consistent accessible and meaningful.

4. Cost accounting is necessary to show that money levied from business under the statutory LAPPC/LA-IPPC charging scheme to pay for its regulation is generally devoted to this function. And it is only right that operators who pay the fees and charges should be able to see how this money is spent. Defra and WAG also make use of data provided from cost accounts to inform the annual decision on the level of fees and charges, so it is in local authorities' best interests to ensure that all relevant costs are fully accounted for and reported.

5. Section 3 explains that Defra and WAG ask a sample of authorities for their accounts each year, in order (in particular) to assist with the annual review of the level of fees and charges. It specifies a general, preferred format for accounts.

Purpose and content of this guidance

6. This guidance is to help those authorities with cost accounting practices and those who currently do not to develop a consistent and effective approach to cost accounting. In essence, the guidance

- a) in paragraphs 7-10, requires environmental health practitioners to determine the amount of time and resources devoted to LAPPC/LA-IPPC work. Section 2 lists what should be counted as LAPPC/LA-IPPC work

- b) in Section 3, provides a method that should be familiar to finance departments for calculating the full cost, including overheads and 'on costs'.

Method – guidance for environmental health practitioners

7. LAPPC/LA-IPPC officers should record the costs of the duties listed in Section 2, which may be best done by time-sheet recording. These costs form part of the "gross total cost", as defined in the Best Value Accounting Code of Practice.
8. The expertise to calculate cost will rest in local authorities' finance department. It is envisaged that EHPs will pass the cost information they record to their finance colleagues either quarterly or annually.

Method – summary of financial calculations for finance officers (and for the information of EHPs)

9. There are already established methods of calculating cost which local authority accountants and finance personnel will be well aware of. Section 3 describes the calculation of gross total cost and other relevant on costs and overheads. It is suggested that this annex is passed to your authority's finance department, drawing particular attention to Section 3.
10. For your information Section 3 advises that the following information is used to calculate LAPPC/LA-IPPC full cost:
- **Gross Total Cost** includes all expenditure relating to the service/activity, including employee costs, expenditure relating to the premises and transport, supplies and services, third party payments, support services and depreciation.
 - **Corporate and Democratic Core (CDC)** costs comprise the costs of corporate policy making, other member based activities and a range of other costs relating to the "corporate management" of the authority, such as corporate financial management, external audit and inspections and corporate reporting to the public.
 - **Non Distributed Costs** comprise a miscellaneous set of costs the common feature of which is that no service currently benefits from them. Examples are pension past service costs and the costs of unused IT facilities
 - **Capital financing charge** comprising an interest charge on the value of capital assets (see CIPFA LAAP bulletin 67 for further information).

Full cost for LAPPC/LA-IPPC purposes will include a relevant apportionment of these four cost categories

Cost categories used for the statistical survey

11. This Annex defines costs in terms of strict accounting terminologies. However, please note that for the statistical survey and other information

which may be required during the year - eg for the annual charging round - Defra will often only refer to two cost categories for simplicity reasons. These are the "Direct Costs" and "Indirect Costs"² of the PPC regulatory function. The Direct Costs are those costs associated only with those activities listed in Section 2 and the Indirect Costs are all other costs in this annex.

Section 2 – guidance for EHPs on chargeable activities

Relevant LAPPC/LA-IPPC duties should be taken to comprise the following:

- Full, check and extra risk-based inspections
- Review of monitoring data
- Dealing with complaints
- Monitoring upgrading
- Periodic reviews of permits
- Enforcement activities, appeal and prosecution work (not including the costs of prosecutions which are recoverable through the courts)
- Assessing applications
- Producing, varying and transferring permits
- Visits in connection with (including travel time):
 - a new application
 - existing application (including periodic review)
 - complaint
 - training
- Identifying processes operating without a permit
- Serving information notices
- Checking and maintaining the public register
- Liaising with other regulators, Defra and WAG for the purpose of information exchange, benchmarking and auditing related to LAPPC and LA-IPPC
- Related LAPPC/LA-IPPC IT work not covered under “on costs”
- Administration and management directly related to LAPPC/LA-IPPC duties (including cost accounting, inspection planning, producing internal regulatory procedures)
- Purchase of LAPPC/LA-IPPC-related equipment or monitoring services
- Clearing decisions with Members where required

Section 3 - guidance for finance personnel

Background

1. The Department for Environment, Food and Rural Affairs (Defra) and the Welsh Assembly Government (WAG) have produced this guidance for local authorities on cost accounting of their Local Authority Pollution Prevention and Control (LAPPC) and Local Authority Integrated Pollution Prevention and Control (LA-IPPC) duties under Environmental Permitting

² Direct Costs are in Section 2 and are contained within the “Gross Total Cost” category whilst Indirect Costs are the remainder of all costs mentioned in this annex and are contained within the “Gross Total Cost”, the “Corporate and Demographic Core”, the “Non Distributed Costs” and the “Capital Financing Charge”

Regulations 2007 (EP Regulations) Local authorities receive fees and charges from industrial concerns in respect of the cost of regulating them under the EP Regulations. The fees and charges are set annually in a scheme made by the Secretary of State and Welsh Ministers for Wales under EP regulation 64.

2. Paragraphs 1 to 5 of Chapter 23 of the LAPPC/LA-IPPC General Guidance Manual <http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/manuals.htm> explain why local authorities should undertake cost accounting for these functions if they are not already doing so. It has been recommended that environmental health personnel record costs for carrying out their LAPPC/LA-IPPC duties (see Section 2 above). This may take the form of time sheet recording.
3. Defra and WAG recommend authorities follow the Best Value Accounting Code Of Practice³ (BVACOP) in calculating their “expenditure” on these duties. Defra and WAG believe that “expenditure” should reflect the “gross total cost” of the service as set out in the BVACOP in addition to a relevant apportionment of Corporate and Democratic Core, Non Distributed Costs and a Capital Financing Charge for these duties.
4. The BVACOP defines “gross total cost”. Authorities should follow the guidance that is given in the BVACOP to calculate “gross total cost” for the LAPPC/LA-IPPC Service. The Best Value Accounting Code of Practice establishes “proper practice” with regard to consistent financial reporting below the statement of accounts level. The guidelines help to ensure the transparency, comparability and financial discipline that is necessary for the effective application of Best Value.

Gross total costs

5. The “gross total cost” including depreciation should be calculated for the LAPPC/LA-IPPC service based on the cost/time information provided by your Pollution Control officers.
6. Depreciation should be defined in accordance with the CIPFA *Service Reporting Code of Practice for Local Authorities 2011/12 (2010)*, known as [SerCOP](#).

Calculating on-costs and overheads

7. The definition of “gross total cost” excludes certain elements of costs and overheads, which were not considered relevant for the purposes for which the definition was designed. These are, however, relevant for the calculation of the full cost of LAPPC/LA-IPPC for the purposes of the EP Regulations, and an appropriate apportioned share should be added back. These elements are the Corporate and Democratic Core, Non Distributed Costs and a Capital Financing Charge, which are defined in the BVACOP.

³ Best Value Accounting Code Of Practice, published by CIPFA, ISBN 0 852 99 891 0

Presentation of accounts

8. Defra and WAG ask each year that a sample of authorities provide a copy of their accounts and analyse them in relation to key performance criteria from the annual statistical survey. It would be helpful if accounts were set out as detailed below to enable helpful comparison. But if this is not done because individual authorities have their own accounting methodologies, identification of the component elements set out below would be very welcome.

- Gross total cost - broken down by all expenditure relating to the service/activity, including:
 - Employee costs;
 - Expenditure relating to premises and transport;
 - Supplies and services;
 - Third party payments;
 - Transfer payments;
 - Support services;
 - Depreciation calculated in accordance with the local authority SORP;
 - An appropriate share of all services and overheads, which need to be apportioned;
 - Provisions if related to the service.

(source: paragraphs 2.10-13, section 2 of the Best Value Accounting – Code of Practice)

- Corporate and Democratic Core
- Non Distributed Costs
- Capital Financing Charge
- Total of all above costs
- Income
 - Total amount received in fees in respect of applications for permits and for variations involving a substantial change
 - Total amount in annual subsistence charges in respect of permitted installations.

Additional advice on the risk methodology

Scoring for compliance assessment - breach of permit

AQ18(05) advised that there had been some confusion on what is meant by the term "breach of authorisation [permit]" in component 5 of the risk based inspection methodology. This relates to the final column of Section (C) in Table A1.5, which refers to recording 10 points per incident.

The intention is that this component gives points for each permit breach, whether or not it triggers either an incident (such as an excess release of pollutants) or a complaint.

This component envisages that 10 points is recorded for each condition that is contravened or for each distinct occasion when a particular condition is contravened, up to a maximum of 5 breaches (50 points). There may, however, be cases where two permit conditions relate to essentially the same matter and it would be reasonable to make the judgment that this in effect amounted to a single breach; or where an emission limit is contravened within the measurement tolerances of the monitoring equipment in which case it would be reasonable not to count it.

To reflect this, the wording in the final column of Section (C) of Table A1.5 should be amended to read "10 points per breach".

Charging

1. Lacors/Environment Agency Memorandum of Understanding relating to water charges (see paragraphs 10.34-35)

This is the document referenced at paragraph 10.35 of the GGM.

LOCAL AUTHORITY–ENVIRONMENT AGENCY FINANCIAL MEMORANDUM OF UNDERSTANDING

TRANSFER OF EA CHARGES UNDER THE ‘LOCAL AUTHORITY PERMITS FOR PART A2 INSTALLATIONS’ SCHEME

Introduction

1. The Local Authority Permits for Part A2 Installations and Mobile Plant (fees and charges) Scheme (“Scheme”) makes provision for charges payable to the Environment Agency (“EA”) for work undertaken in setting conditions for discharges to controlled water from Part A2 installations regulated by the LA.
2. The Scheme consists of an EA annual subsistence charge for permits that allow a discharge to controlled water. This charge is payable on demand, but with prior agreement from the LA, may be paid in four quarterly instalments.

Purpose of this memorandum of understanding

3. The purpose of this MoU is to clarify the respective roles of the two regulators in the annual billing of subsistence charges, the transferring of these charges to the EA, and debt recovery arrangements.
4. It seeks to ensure that operators have a simple method of paying, with their relevant LA as the single point of contact, in accordance with the regulations.

Notices and correspondence regarding permits

5. The LA to send all correspondence and notifications (except payments) regarding water discharges to, ‘Environment Agency, Quadrant 2, 99 Parkway Avenue, Sheffield S9 4WG’. Telephone queries can be made to the water consenting team on

(0114) 2898392.

6. The EA will complete and send Part 1 of the 'Statutory notice letter' to a Local Authority (following notification of an application for a permit) to advise them of minimum permit conditions relating to water discharges, and the charging band that these conditions would attract.
7. On issuing a new permit, the LA will complete and return Part 2 of the 'Statutory notice' letter to the EA, at the above address, advising them of permit conditions, the effective date of the permit and confirming the charging band applied by the LA.
8. In the event of permit conditions relating to a discharge being varied, or surrendered, the LA will complete and send Part 3 of the 'Statutory notice' letter to the EA informing them of the new conditions, effective date of the change, and the resulting new charging band.

Charge invoicing and transfer of money

9. The EA will provide the LA with an itemised statement of the charges it anticipates the LA need recover from its permit holders on behalf of the EA for the forthcoming financial year to include on their invoices to operators. This will be as early as practicable and the EA will aim for 20 March, however this is largely determined by how soon the charges are approved by the Minister.
10. LA and EA charges may be shown separately on invoices, but taken together will constitute the total charge payable by the operator. The LA and EA agree that no recoverable debt will exist between them until the LA has recovered the amounts due from operators.
11. On receipts of payments by operators (either an individual payment, or collective payments in the case of multiple operators and instalments) the LA will transfer payments on a regular basis to the EA. The final transfer of monies will take place no later than 28 February in each financial year. Money may be transferred by cheque or BACS (using reference number commencing "A2annfee") and sent to, 'Environment Agency, Income Dept 311, PO Box 263, Peterborough PE2 8YD'. The LA at the same time to send an itemised list giving details of permit numbers, original EA charges and amounts remitted for each.
12. Additional arrangements may be required to facilitate the transfer of monies from an individual LA to EA, depending upon local finance systems.

Debt recovery

13. The LA will be responsible for debt recovery in accordance with its existing procedures. In the event of continued non-payment the LA will discuss the matter with the EA to decide on action.
14. Where legal action for debt recovery is required, except in the cases of paragraph 15, the LA will bear the legal costs it incurs in any proceedings and will retain any costs awarded or recovered for that particular action (including recovery arising out of court).
15. In the unlikely event of legal proceedings being required in respect of the non-payment or dispute of EA charges only, the LA will first obtain the EA's agreement on starting proceedings. In the event that legal action is progressed, the EA will be liable for reimbursing any costs incurred by the LA as a result.
16. The LA will advise the EA in advance of any cases that will give rise to legal action, and will, at the same time discuss the attribution of legal costs. The EA and LA agree to release an appropriate officer involved in the process to attend any court hearings (if required) to provide evidence of debt owed.

17. In the event that a debt is not recovered there will be no liability from the LA to the EA in respect of that debt. If only part of a debt is recovered, the amount received will be shared in the same proportion as the original charges, or as otherwise agreed.
18. A LA may decide not to pursue any debt in respect of its own costs. The LA will, in respect of an EA debt, seek the EA's agreement on whether or not to continue debt recovery action. Any costs subsequently incurred in attempting to recover an EA-only debt will be passed on to the EA.
19. In the event that a LA identifies an existing permit that should have been subject to EA charges in previous years, the decision as to whether or not to recover back-dated charges will be made by the LA. The LA will however provide the EA with details of the permit in order that subsistence charging can commence in accordance with the current charging scheme.

Review

20. The EA and Local Authorities Coordinators of Regulatory Services (Lacors) understand that this MoU should be periodically reviewed.

Signed on behalf of
Lacors:
Mark Du Val, Policy
Director

Signed on behalf of the
Environment Agency:
Nigel Reader,
Director of Finance

..... Date: Date:

2. Reduced subsistence charges due to mothballing or reduced operating levels (see paragraph 23.25A) (England only)

Introduction

1. Some businesses may at present be operating at reduced levels, or have mothballed their plant. This may mean that they do not legally have to have an LAPPC or LA-IPPC permit for as long as this continues. However, they may want to keep their permit, rather than surrender³ it and have to make a fresh permit application when economic circumstances improve.

³ If the permit is not surrendered or revoked, paragraph 5 of Part 1 of Schedule 1 to the EP Regulations states: "Where an operator is authorised by an environmental permit to carry out Part A(1) activities, Part A(2) activities or Part B activities which are described in Part 2 of this Schedule by reference to a threshold (whether in terms of capacity or otherwise) at an installation, the installation does not cease to be a Part A(1) installation, Part A(2) installation, or a Part B installation, as the case may be, by virtue of the installation being operated below the relevant threshold unless the permit ceases to have effect in accordance with these Regulations".

For completeness, paragraph 18.35 of the Manual advises: " The procedures for revocation and surrender should not be confused. It is the view of Defra and WAG that there is no need or requirement for a permit to be revoked once it has been surrendered. The only occasions where site restoration (but not surrender) and revocation will occur in relation to the same installation is in the case described in paragraph 18.33 above."

2. If the reduced operations or mothballing are likely to last for more than 12 months, local authorities (LAs) should be able to dispense with inspecting the premises during this period, although will still have costs associated with the maintenance of the permit, such as holding the public register, maintaining their knowledge of the sector, etc.
3. If the reduced operating or mothballing lasts for more than 24 months, the circumstances on restarting could be significantly different (in terms of standards of Best Available Techniques, the condition of the on-site equipment, etc).
4. As a result, the LA-IPPC and LAPPC charging schemes have been amended to allow for a reduced charge for between 12 and 36 months in these cases, subject to certain qualifications. This only applies to installations that normally are liable for the full charge - ie not the 4 'reduced fee' sectors: small waste oil burners, dry cleaners, petrol stations, or vehicle body shops. Relevant trade associations have been advised.

Procedures

5. The main procedures are as follows:

Step 1. Any A2 or Part B operator may submit a declaration form (specimen at the end of Part D of the Manual).

Step 2. Each declaration must be considered on its merits, but we would normally expect an LA should normally accept the declaration at face value, without further enquiry, unless there was good reason to do otherwise.

If, based on considerations of risk (including, but not limited to past experience of regulating the particular operator), an LA is not satisfied with the reliability of the declaration as to mothballing or below-threshold operation, but might be satisfied if certain additional information was supplied, the LA should write to the operator listing the additional information needed. A specimen letter is attached.

It is ultimately open to an LA to refuse to accept a declaration. There is no right of appeal, but an operator could use the LA's complaints procedures.

Step 3. Where an LA agrees that reduced charges are warranted, it should write confirming that this is the case (an "acceptance letter"). The letter should specify what information about future operation of the installation must be supplied to the LA to demonstrate continued eligibility for the reduced charge. A specimen letter is attached. An LA may also want to vary the permit, and could insert a condition along the lines of:

"You must inform the LA immediately and in writing if and when you expect to restart or increase your level of operation to above the

threshold requiring a permit at the installation, including the likely date this will occur."

["You must also write to the LA by [date 3 months hence] and every three months thereafter while reduced charges are payable, stating whether the installation is being operated and, if so, the level of operation."]

6. The reduced charge is 40% of the full charge that would otherwise have been payable based on the risk rating at the time of the declaration. The 40% figure applies to each full month operating at reduced level or in mothballs after the issuing of an acceptance letter.
7. The reduced charge should be payable as follows:
 - Where charges are paid quarterly: at the time the next quarterly payment is due following the date of the acceptance letter. Unless the qualifying criteria cease to be met, this should continue for a further 7 quarters.
 - Where charges are paid annually: at the time the next annual payment is due following the date of the acceptance letter. Unless the qualifying criteria cease to be met, the reduced charge should also be payable when the following annual payment is due.
8. The procedures are complicated by the fact that in many cases acceptance letters will be issued in the middle of a financial year. It has therefore been necessary to devise a system for deciding how much is payable in each year in these situations. The worked example at the end of this note is aimed at helping explain the arrangements that have been put in place. Paragraphs 9 and 10 set out the generalities.
9. What happens if an installation is accepted for a reduced charge but ceases to qualify before the end of 36 months? (The "qualifying criteria" are mothballing or reduced operation, as set out in paragraphs a) and b) on the front page of the declaration form.)
 - i) if this happens within the first 12 months, the operator must retrospectively pay the full charge that would have been payable for the period, plus a £50 administration fee. So, for example, if the 40% reduced charge has been paid, the operator should be invoiced for the remaining 60% and an extra £50.
 - ii) if this happens after a full 12 months has elapsed and before the end of the 24-month period, the operator pays the reduced charge for every full month that the qualifying criteria apply. So, if an installation was taken out of mothballs 15½ months after the acceptance letter gets the benefit of 15 months at the reduced rate. There is no additional administrative charge.
10. What happens if an operator pays the full rate in April of Year 1, then obtains an acceptance letter for reduced charges during the financial year. There is no refund of the full payment. If the operator pays annually, the

amount payable in April of Year 2 will be 40% minus the amount overpaid in Year 1. In Year 3, the amount payable the next financial year will reflect the number of full months operating at the reduced rate, plus the number of remaining months operating at the full rate.

11. Once any period of reduced charges has expired (whether at the end of 36 months or earlier), a further period cannot be sought for the same installation within 24 months of that expiry date, irrespective of whether there has been a change of operator or any changes to the way the installation operates.
12. The general assumption underlying the reduced charges is that inspections and related activities will not take place during the period that the installation is operating at reduced levels the plant has been mothballed. Where a declaration is accepted in the middle of a financial year the LA may have already carried out the appropriate number of planned inspections in accordance with the risk rating of the installation. If the LA has done so, this should be balanced by carrying out no planned inspections in the final year of the declaration being in force, when reduced charges will be being paid. If the LA has not yet undertaken the planned inspections, or has carried out some but not all, it will be for the LA to decide whether or not to defer the inspection(s) until the final year of the declaration being in force.
13. The LAPPC and LA-IPPC charging schemes have been amended to deliver the above. The revisions come into force on 1 July 2009 and are not retrospective.
14. An amendment has also been made to the risk methodologies to include a new condition in the compliance assessment category for someone who is accepted for reduced charges but then fails to notify the LA in the case of a restart or increase in level of operation to above the threshold requiring a permit. Failure to meet this condition will incur a supplementary 25 point risk score for LA-IPPC activities, 25 for standard Part B activities (LAPPC Risk Method section A) and 15 point for other activities (LAPPC Risk Method Part B - mobile plant only, because these new arrangements do not apply to 'reduced fee' activities).
15. The annual statistical survey will take account of these new procedures in relation to the annual statistical survey, so that LAs are not penalised for missing inspections for these reasons. A note should however be kept of any cancelled inspections arising from these new arrangements.

Example

Anybusiness Timber Company operates a sawmill with a works' sawing throughput of 12,000 cubic metres. No other timber activities are carried on at the facility. It paid the full annual subsistence charge for 2009/10 in full on 10 April 2009 (Year 1).

In September 2009 throughput has reduced to 9,000 cubic metres. The company completes a declaration. AnyPlace LA has found the company to be reliable in the past and accepts the declaration at face value and on 5 October

sends an acceptance letter. The operator will be eligible for the reduced charge at the time of the next annual payment in April 2010 provided the reduced working continues for 12 months or more.

AnyPlace LA varies the company's permit to insert the condition in Step 3 above.

AnyPlace LA has not yet inspected the installation by 5 October. It must decide whether to a) inspect during in 2009/10 having received the full charging income for that year, but with the installation operating at a lower rate, or b) defer the inspection until a later date during the 36-month period. (If the LA had already inspected, that choice would be removed.)

On 8 December 2010 (Year 2) - ie 14 full months from the date of the acceptance letter - the company sees business picking up and expects its throughput to increase to over 10,000 cubic metres for the following 12 months (ie into Year 3). The company notifies the LA.

The amounts payable based on the above example are set out in the following table, based on the current medium risk subsistence charge and assuming this doesn't change in Years 2 and 3:

	April 2009 (Year 1)	April 2010 (Year 2)	April 2011 (Year 3)	Total
Full fee	£1098	£1098	£1098	£3294
Amount paid/payable	£1098	£164.50	£1262.70	£2525.20
Explanation	No refund, but credit given in Year 2 for 5 full months at reduced charges	Reduced charge plus credit for 5 months in Year 1	Full rate for Year 3 plus underpayment for 3 months in Year 2 when back to full operation	Saving of £768.80 over 3 years based on 14 months mothballing or below threshold operation
<p>Calculations:-</p> <p>Full annual charge = £1098 (one month at this rate = £91.50) Reduced annual charge = £439 (one month at this rate = £36.60)</p> <p>Year 1: 7 months @ £91.50 plus 5 months @ £36.60 = £823.50. Amount paid = £1098. Credit due in Year 2 = £274.50</p> <p>Year 2: 12 months reduced charge = £439; credit carried forward from Year 1 = £384.30 to be subtracted from £439</p> <p>Year 3: £1098 to cover the standard Year 3 charge, plus 3 months at end of Year 2 paying at £36.60 rather than £91.50 = £164.70</p>				

Annex XI Conditions of permits

This annex relates to chapters 6, 7 and 13 of the Manual

Legal basis

Introduction

1. Under the previous Pollution Prevention and Control Regulations, the requirements were detailed in regulations 11-13. Because the EP Regulations are written by reference to relevant Directives, it is necessary to look at:

- a) Schedule 7 of the EP Regulations for Part A2 installations, and
- b) Schedule 8 of the EP Regulations for Part B installations.

2. Both schedules are given legal effect by regulation 35. Paragraph 5 of each schedule requires regulators to exercise their functions so as to comply with the requirements of various articles in the IPPC Directive.

Applicability of IPPC Directive articles

3. *Article 3* is the key article for the purposes of determining the conditions to be included in permits. Paragraph 5(2)(b)(ii) of Schedule 8 of the EP Regulations makes clear that **only paragraphs (a) and (b) set out immediately below apply to Part B installations**, whereas paragraphs (a)-(f) all apply to A2s.

“Article 3 - General principles governing the basic obligations of the operator

Member States shall take the necessary measures to provide that the competent authorities ensure that installations are operated in such a way that:

- (a) all the appropriate preventive measures are taken against pollution, in particular through application of the best available techniques;
- (b) no significant pollution is caused;
- (c) waste production is avoided in accordance with Council Directive 75/442/EEC of 15 July 1975 on waste(11); where waste is produced, it is recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;
- (d) energy is used efficiently;

(e) the necessary measures are taken to prevent accidents and limit their consequences;

(f) the necessary measures are taken upon definitive cessation of activities to avoid any pollution risk and return the site of operation to a satisfactory state.

For the purposes of compliance with this Article, it shall be sufficient if Member States ensure that the competent authorities take account of the general principles set out in this Article when they determine the conditions of the permit.”

4. *Article 9* is headed ‘Conditions of permit’. Paragraphs 1-6 of that article apply to A2 installations, whereas paragraphs 1-4 only apply to Part Bs. In relation to Part B installations, Schedule 8, paragraph 5(2) of the EP Regulations applies only relevant parts of the text of Article 9, largely so as to limit its applicability to air emissions.

5. Note in particular paragraph 3 of Article 9 of the IPPC Directive. This requires limit values for the air and water substances emitted in significant quantities to be included in conditions, subject to various considerations. Conditions are particularly required for any relevant substances listed in Annex III of the IPPC Directive (see below). Article 9(3) also specifies inclusion of conditions which cover appropriate requirements for the protection of soil and groundwater and the generation of waste; for Part Bs this is only relevant to the extent that there are air emissions. As a result of EP Schedule 8, paragraph 5(2)(d)(i), the words “geographical location and the local environmental conditions” do not apply to mobile plant. IPPC Article 9(5) specifies that suitable monitoring requirements must be included in permits, including matters such as measurement methodology and frequency.

“Article 9 - Conditions of the permit

1. Member States shall ensure that the permit includes all measures necessary for compliance with the requirements of Articles 3 and 10 for the granting of permits in order to achieve a high level of protection for the environment as a whole by means of protection of the air, water and land.

2. In the case of a new installation or a substantial change where Article 4 of Directive 85/337/EEC applies*, any relevant information obtained or conclusion arrived at pursuant to Articles 5, 6 and 7 of that Directive shall be taken into consideration for the purposes of granting the permit.

3. The permit shall include emission limit values for pollutants, in particular, those listed in Annex III, likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another (water, air and land). If necessary, the permit shall include appropriate requirements ensuring protection of the soil and ground water and measures concerning the management of waste generated by the installation. Where appropriate, limit values may be

supplemented or replaced by equivalent parameters or technical measures.

For installations under subheading 6.6 in Annex I, emission limit values laid down in accordance with this paragraph shall take into account practical considerations appropriate to these categories of installation.

[The following text was added to Article 9.3 in 2003. The 2008 codified version of the IPPC Directive can be found [here](#)]

Where emissions of a greenhouse gas from an installation are specified in Annex I to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (1) in relation to an activity carried out in that installation, the permit shall not include an emission limit value for direct emissions of that gas unless it is necessary to ensure that no significant local pollution is caused.

For activities listed in Annex I to Directive 2003/87/EC, Member States may choose not to impose requirements relating to energy efficiency in respect of combustion units or other units emitting carbon dioxide on the site.

Where necessary, the competent authorities shall amend the permit as appropriate.

The three preceding subparagraphs shall not apply to installations temporarily excluded from the scheme for greenhouse gas emission allowance trading within the Community in accordance with Article 27 of Directive 2003/87/EC.

4. Without prejudice to Article 10, the emission limit values and the equivalent parameters and technical measures referred to in paragraph 3 shall be based on the best available techniques, without prescribing the use of any technique or specific technology, but taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. In all circumstances, the conditions of the permit shall contain provisions on the minimization of long-distance or transboundary pollution and ensure a high level of protection for the environment as a whole.

5. The permit shall contain suitable release monitoring requirements, specifying measurement methodology and frequency, evaluation procedure and an obligation to supply the competent authority with data required for checking compliance with the permit.

For installations under subheading 6.6 in Annex I, the measures referred to in this paragraph may take account of costs and benefits.

6. The permit shall contain measures relating to conditions other than normal operating conditions. Thus, where there is a risk that the environment may be affected, appropriate provision shall be made

for start-up, leaks malfunctions, momentary stoppages and definitive cessation of operations.

The permit may also contain temporary derogations from the requirements of paragraph 4 if a rehabilitation plan approved by the competent authority ensures that these requirements will be met within six months and if the project leads to a reduction of pollution.”

* [the environmental impact assessment directive](#)

6. Article 10 addresses the relationship between BAT and EQS (see Chapter 15 of the Manual)

“Article 10 - Best available techniques and environmental quality standards

Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall in particular be required in the permit, without prejudice to other measures which might be taken to comply with environmental quality standards.”

7. Article 12 says that BAT above requirements apply equally to conditions imposed because of a change to an installation.

8. Article 18(2) requires that relevant emission limits set under other directives must be included in conditions as a minimum. All such relevant emission limits are contained in the published sector guidance (SG) notes for A2 installations and process guidance (PG) notes for Part B installations.

9. Where in the articles there is mention of “competent authority”, for the purposes of the EP Regulations this means the relevant regulator.

Annex III of the IPPC Directive

10. Annex III of the Directive, as mentioned in Article 9.3, is as follows:

“ANNEX III - INDICATIVE LIST OF THE MAIN POLLUTING SUBSTANCES TO BE TAKEN INTO ACCOUNT IF THEY ARE RELEVANT FOR FIXING EMISSION LIMIT VALUES

AIR

1. Sulphur dioxide and other sulphur compounds
2. Oxides of nitrogen and other nitrogen compounds
3. Carbon monoxide
4. Volatile organic compounds
5. Metals and their compounds
6. Dust
7. Asbestos (suspended particulates, fibres)

8. Chlorine and its compounds
9. Fluorine and its compounds
10. Arsenic and its compounds
11. Cyanides
12. Substances and preparations which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air
13. Polychlorinated dibenzodioxins and polychlorinated dibenzofurans

WATER

1. Organohalogen compounds and substances which may form such compounds in the aquatic environment
2. Organophosphorus compounds
3. Organotin compounds
4. Substances and preparations which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment
5. Persistent hydrocarbons and persistent and bioaccumulable organic toxic substances
6. Cyanides
7. Metals and their compounds
8. Arsenic and its compounds
9. Biocides and plant health products
10. Materials in suspension
11. Substances which contribute to eutrophication (in particular, nitrates and phosphates)
12. Substances which have an unfavourable influence on the oxygen balance (and can be measured using parameters such as BOD, COD, etc.).”

An indicative notice and confirmation of LA-IPPC water conditions under EP regulation 58 (see Chapter 10 of the Manual) is appended at the end of this annex.

Drafting conditions

‘Good’ and ‘bad’ conditions

The following commentary and examples, which expand on the advice in Chapter 13, are without prejudice to the case-by-decisions by local authorities, or by the Secretary of State or Welsh Ministers on appeal. The following text and examples are derived from guidance first issued in 1992.

There are two main disadvantages of imprecise or unclear conditions. First the operator does not know exactly what is required of him or her. Nor does

the public. Second, clear and unambiguous conditions are essential for successful enforcement action.

A condition which requires action to be taken in accordance with the manufacturer's instructions, but does not give the name of the manufacturer or the reference number of the instructions, could be difficult to enforce.

Conditions which rely on subjective interpretation, such as 'frequent inspection', 'appropriate monitoring' or 'all reasonable hours', do not meet the tests of clarity and enforceability. An operator's or the Court's interpretation of eg 'appropriate' may be significantly different to that envisaged by the local authority when including the word in the condition.

Conditions which relate to matters not relevant to the regulation of air emissions must not be included in Part B permits.

Conditions ought also to contain sufficient information to identify the main mechanisms for controlling emissions, such as the type of arrestment plant to be used and the nature and frequency of the monitoring to be undertaken. If there is a condition which requires that emissions are at all times discharged through eg a bag filter of type x, there can be no defence if, for instance, a less efficient bag is substituted at some future date.

Conditions should be expressed in terms of "shall" or "must". The guidance uses the words "should" or "ought to", but conditions require something to be done.

Where authorities require the submission of an improvement plan, it is important to be precise about what is required – for example "no later than [date] a programme for the upgrading of [describe precise aspect of the installation] shall be submitted for the approval of this Council. The programme shall have regard to the Secretary of State's guidance in [PG/SG reference]".

Where an operator informs the authority that an installation will be closing down, and this is accepted as a reason for not requiring improvements to be made, it is advisable to reinforce the operator's commitment by including a condition requiring that the specified improvements/tighter standards must be operating from the day after the stated closure date.

Conditions should not normally include explanatory material. To avoid any doubt as to what comprises the enforceable permit document and what comprises additional, non-enforceable explanatory guidance, it is best to ensure that any guidance is contained in a separate annex headed eg "Explanatory Note: this note does not comprise part of permit reference xyz, but contains guidance relevant to the permit".

The explanatory note could cover, for example, advice on what matters are covered by the general BAT condition; a statement making clear that the permit does not affect responsibilities under health and safety legislation or any other statutory requirements; advice on the procedures for varying permits; the arrangements for paying the annual subsistence fee; etc.

The function of the process description in a permit is to set down the main characteristics of the activity being authorised by the permit. The reason is that it should be clear to all concerned (the operator, the authority, and the public) what exactly is being approved. And the process description provides a check on the operator, since if any of these characteristics are altered – for example, one piece of equipment substituted for another – and this change results in poorer performance, the operator could be held to be operating outside the terms of the permit and enforcement action could be considered for carrying on the activity without a permit. One option is to include a basic process description in the introduction and an ‘activities table’.

The process description does not normally need to be lengthy, but should describe the main features of the installation. The sort of information for inclusion is:

- the general nature of the process (eg the manufacture of window frames using wood and wood-based materials)
- the Section in Part 2 of Schedule 1 of the EP Regulations which applies to the activity
- the fact that the site and installation boundary are marked on a referenced plan, and the plan forms part of the permit
- the main equipment forming the installations (eg the manufacture and rating of the combustion plant)
- other information such as throughput of the installation, the type of fuel and raw materials used, the height of the existing chimneys, and for A2s eg the means of discharging waste water.

This can be achieved by including a basic description. An alternative approach is to produce an ‘activities table’ is used (well by the agency and most authorities) and a basic description goes into the introductory note, as its not a condition or part of the permit. Good practice is to draft an effective activities table saying what can be done on site and the limits of that activity.

The following are examples of the style of condition which may be termed ‘good’ ✓ and ‘bad’ x conditions together with comments in **bold**. None of these represent conditions which ought necessarily be included in any particular permit.

✓	x
“visual and olfactory assessment shall be made frequently and at least once per day....The assessments shall be carried out at locations in easterly and southerly directions. Details of such assessments shall be recorded in a log book which shall include date, time, wind, weather conditions, position of observation”	“regular visual checks shall be made throughout the working day”
“spillages of finely divided materials	“the aim shall be that all emissions

shall be cleared by means of vacuum cleaning using Nilfisk GM 83 equivalent or better.”

“within 6 months of the date of this permit, the operator shall submit to x Council’s Pollution Manager a programme detailing a timescale for completing the work necessary to upgrade the process having regard to the guidance notes listed on the front page of this permit”

“emissions from the chimney marked X on the attached plan (reference EPA...) shall be free from visible smoke and shall not exceed the equivalent of Ringelmann Shade 1, as described in British Standard BS2472:1969, except for a maximum of 15 minutes on start-up from cold. In the case of start-up from cold, emissions shall at no time exceed the equivalent of Ringelmann Shade 2.

“all emissions shall discharge eight and a half metres above ground level through the chimney marked A on the attached plan marked EP/017/A and which is also marked A on the attached plan EP/017/B”

“.....hereby authorise the applicant.... the process subject to authorisation being the breeding of maggots involving the use of x tonnes of fish, chicken meat and offal in any 7-day period”

“when any visible escape of dust is

are free from offensive odour outside the process boundary” **an aim is not enforceable**

“should any condition not be attainable at the time of issue of this permit, the local authority must be informed in writing and a scheme for upgrading the process submitted within 6 months of the date of issue” **the EP Regulations specify that an application must be refused if the applicant will not operate the facility in accordance with the permit**

“notes on the Ringelmann smoke charges are given in British Standard BS 2742:1969”

“NB In addition to the above conditions it is recommended that the requirements of the guidance on collection, handling and storage of clinical waste given by the Health and Safety Commissionshould be followed”. **This should be placed in a separate, clearly-marked explanatory section, not, as it was, tacked on to the end of the conditions**

“wherever possible the final discharge point from particulate matter arrestment plant where it is not necessary to achieve dispersion of residual pollutants shall be at low level” **This leaves the matter to the operator’s discretion, rather than the operator submitting his/her proposals and the permit should specify where the final discharge point should be**

“it should be noted that no condition

observed or when any malfunction or breakdown is likely to lead to an escape of dust is found, then a) immediate investigation shall be carried out; b) prompt corrective action shall be taken; c) the observation, finding, result of the investigation, and actions taken under headings b) and d) in this condition shall be entered in the log required by condition 8; and d) if the corrective action is not immediately effective then action to mitigate any effects shall be taken.”

has been attached to this first permit requiring a programme for upgrading to be submitted to X Borough Council since it is understood that the applicant does not intend to operate the incinerators beyond x date”

“the above-named company is hereby authorised to carry on a process involving the manufacture of timber and wood-based products”. **This lacks essential details, such as equipment and throughput**

“‘harm’ means harm to the health of living organisms or other interference with the ecological systems of which they form part” **this is not material for a condition. If an authority wants to draw attention to an aspect of the legislation, the explanatory notes should be used**

General Guidance Note 2, published in April 1991, provided a list of specimen conditions which might be appropriate in particular cases. They included

1. all emissions from process vents, chimneys and building openings shall be colourless
2. no emissions shall contain persistent mist or fume
3. no emissions shall contain droplets
4. odour-masking agents and counteractants shall not be used
5. dilution air shall not be admitted after the combustion zone for the purpose of meeting an emission limit
6. exhaust gas flow rates from spray booth A on attached plan AB/1 shall not exceed $x \text{ m}^3/\text{hr}$ when expressed at 273K, 101.3kPa, without correction for water vapour content
7. emissions of chloride from the 27m chimney serving the cremator shall not exceed $x \text{ mg}/\text{m}^3$, expressed as hydrogen chloride

8. emissions of carbon monoxide from the chimneys marked A, B and C on attached plan AB/1 shall, on average taken over any one-hour period of the process operation, not exceed $x \text{ mg/ m}^3$
9. the mass emission rate of volatile organic compounds from the whole process shall not exceed x grams per square metre of coated area, calculated in accordance with Appendix X of PG B/C(04)
10. all continuous monitoring equipment required by a condition attached to this permit shall be examined at least once on each day that the process is operating. This examination shall include a zero check and a visual inspection to confirm satisfactory operation of the instrument
11. emissions from the furnace chimney shall be tested for particulate matter at least once in every x -month period. Sampling shall be undertaken in accordance with BS xxx
12. an olfactory assessment of odours shall be carried out once per day at locations x , y and z on the site boundary, as indicated on plan AB/1 attached to this permit. The results of these assessments shall be recorded in the log book required to be kept in accordance with condition number xx
13. equipment for manual testing of emissions for nitrogen dioxide shall be held on the premises at all times, for use in the event of a failure or suspected malfunctioning of continuous monitors required by condition number x of this permit
14. the results of those tests undertaken during the commissioning of the installation which relate to the control parameters specified in conditions x , y and z shall be submitted to xx Council within zz weeks of completion of the testing
15. an inventory of the amount of organic solvents used in the process shall be made and a copy of the inventory for the preceding 6 months shall be sent to xx Council on 1 April and 1 October in each year
16. the temperature of all ovens shall be continuously monitored and continuously recorded
17. all furnaces and ductwork shall be made and maintained gas tight
18. emissions from melting and holding furnaces shall be contained by local exhaust ventilation
19. the sulphur content of all liquid fuels shall not exceed $x\%$ by weight
20. all charging vessels shall be fully covered except when charging, mixing or sampling

21. exhaust ventilation shall be maintained at not less than $x \text{ mg/ m}^3$ to maintain an adequate negative pressure within the material storage and processing area
22. no halogenated materials shall be used as a fuel
23. any malfunction or breakdown leading to abnormal emissions shall be dealt with immediately. Process operations shall be adjusted in order to minimise emissions until normal operations are restored
24. all pigments and resins shall be stored in covered containers, sealed bags, or in purpose-built silos. All such silos shall be fitted with bag filters to control the emissions of particulate matter caused by displacement of air during charging
25. storage areas for drummed organic solvents and liquid waste shall be provided with spillage containment kerbs
26. all spillages shall be cleared immediately
27. all external, above-ground conveyors and transfer points shall be completely enclosed
28. all coatings shall be transferred from storage containers to coating heads via an enclosed pipeline system
29. all bulk storage tanks shall be fitted with a high-level alarm and volume indicators, which shall be interlocked to the charging system in order automatically to interrupt the material transfer when the tank is filled to $x\%$ of its total volume
30. all emissions from the fettling process shall be discharged through a bag filter in order to meet the requirements of condition x
31. all emissions from the coating curing ovens shall be vented to an incinerator. The temperature of the gases in the combustion zone shall be maintained between $x^\circ\text{C}$ ($xx \text{ K}$) and $y^\circ\text{C}$ ($yy \text{ K}$) and shall be held at this temperature for not less than z second(s). The temperature of gases in the combustion zone shall be continuously monitored and continuously recorded.
32. all bag filters shall be fitted with pressure drop indicators
33. all chimneys and ducts joining the process exhausts to the chimneys shall be insulated in order to prevent condensation on their internal surfaces
34. chimney flues and ductwork shall be cleaned every x months
35. chimneys and vents shall not be fitted with any restriction at the final opening, such as a plate, cap or cowl
36. all emissions from the incinerator shall be discharged from the xx metre chimney marked C on attached plan AB/5

37. the process shall be monitored using X or Y model of monitoring equipment. The xx Council shall be notified of the model that has been selected within z days of the equipment being installed

38. the furnace shall at no time be operated coal with a sulphur content in excess of x%

39 FOR A MOBILE PLANT: the xx Council shall be notified no less than one week before the plant is to be moved to another location. Such notification shall include details of the intended new location.

Specimen Environment Agency notice under EP regulation 58
(see paragraph 10.6 of the Manual)

Statutory notice

Environment Agency

Environmental Permitting Regulations 2007

Permit conditions for releases to water from Part A(2) installations or mobile plant

This form consists of three parts:

Part 1 – To be completed by the Environment Agency ('EA') and sent to the local authority ('LA') on receipt of a statutory notification from the local authority.

Part 2 – To be completed by the LA and sent to the EA on determination of a new permit. When received by the EA, the EA officer will send a copy to Income Dept 311 at FSC

Part 3 – To be completed by the LA and sent to the EA in the event that a permit is varied, transferred, revoked or surrendered – where this results in amended water discharge conditions, or a new permit number. When received by the EA, the EA officer will send a copy to Income Dept 311 at FSC

Part 1 – To be completed by the Environment Agency ('EA') and sent to the local authority ('LA') on receipt of a statutory notification from the local authority. EA WQ consenting officer should retain a copy.

Permit conditions for releases to water from Part A(2) installations or mobile plant

To: (Name of LA contact)
(Address of LA)

The Environment Agency considers that the following emission limit values or conditions are necessary for permit [number] for [name of installation or mobile plant] in order to prevent or reduce emissions into water:

- 1)
- 2)
- 3) etc

For the purposes of calculating annual subsistence charges, under the 'LA Permits for Part A Installations and mobile plant' charging scheme, the emission limit value(s) described above would result in the following charging band(s):

Charge band	
A	
B	
C	
D	
No charge	

(EA to tick appropriate box. If more than one discharge, please indicate which band applies to which discharge)

Signed:

[name of authorised person]

Authorised to sign on behalf of the Environment Agency

Date of signing

The Environment Agency
Address

What the law says

The Environmental Permitting (England and Wales) Regulations 2007 say -

58(2) At any time the Agency may give notice to the local authority specifying the emission limit values or the conditions it considers appropriate for preventing or reducing emissions into the water from the installation or plant.

58(3) If such a notice is issued, the local authority must exercise its functions under these Regulations to ensure the environmental permit for the installation or plant includes-

- (a) the emission limit values or conditions specified in the notice; or
- (b) such stricter limit values or more onerous conditions as the authority thinks fit.

Part 2 – To be completed by the LA and sent to the EA on determination of a new permit. On receipt by the EA, the EA officer will send a copy to: Income Dept 311 at FSC, Peterborough.⁴

1.1. Confirmation of emissions limits and conditions relating to discharges to controlled waters on determination of application

To: [Name of EA contact]

WQ consenting team
Environment Agency
Quadrant 2
99 Parkway Avenue
Sheffield S9 4WF

The local authority has determined the above application for permit [number] for [name of installation or mobile plant] and: (please tick as appropriate)

	has not issued a permit
--	-------------------------

	has issued a permit, with emission limits and conditions as detailed in part 1 of this notice, with an effective date of:	[date]
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	has issued a permit, with emission limits and conditions tighter than those in part 1 of this notice, and detailed below, with an effective date of:	[date]
--	--	--------

	[conditions]
--	--------------

⁴ See paragraphs 10.30 -37 of Defra's General Guidance Manual on Policy and Procedures for A2 and B Installations
<http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/manuals.htm>

The local authority confirm that the final charging bands relating to the permit(s) issued are:

Charge band	
A	
B	
C	
D	
No charge	

(Please tick appropriate box. If more than one discharge has been permitted, you will need to indicate which band applies to which discharge)

The annual subsistence charge(s) due in the first year of holding a permit is calculated on the number of whole months remaining in the financial year to 31 March.

Number of whole months remaining:	[no. of months]
EA subsistence charge in first year:	[£ insert charge by reference to current charging scheme]

(for multiple permits please copy and paste additional rows and indicate which charge relates to which permit)

Signed:

[name of authorised person]

Authorised to sign on behalf of [name of LA]

Date of signing

[Address]

For EA use only (WQ officer at NPS to complete and send to Income Dept 311, FSC):

I confirm that the first year annual subsistence charge as calculated by the LA is correct.

EA region of permit: [region]

Agency Officer:	[name]	Date:	[date]
Contact telephone number	[number]		

Signed:

For EA FSC use only:

Actioned by:	[name]	Date:	[date]
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Part 3 – To be completed by the LA and sent to the EA in the event that a permit is varied, transferred, revoked or surrendered – where this results in amended water discharge conditions, or a new permit number. When received by the EA, the EA officer will send a copy to: Income Dept 311 at FSC, Peterborough.⁵

To: [Name of EA contact]

WQ consenting team
Environment Agency
Quadrant 2
99 Parkway Avenue
Sheffield S9 4WF

Please be notified of the following change to permit [number] for [name of installation or mobile plant]: (please tick and complete the boxes below as appropriate, and add additional rows in the case of multiple permits)

1. In the case of a revocation / surrender:

[tick]	Date of revocation	[date]
[tick]	Date of surrender	[date]

2. In the case of a variation:

[tick]	Variation of water discharge conditions, with an effective date of:	[date]
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New conditions:

[insert new conditions]

⁵ See paragraphs 10.30 -37 of Defra's General Guidance Manual on Policy and Procedures for A2 and B Installations
<http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/manuals.htm>

New charging band:	[insert new band]
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3. In the case of a transferred permit:

[tick]	The above permit has been transferred to another operator with the effective date of:	[date]
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New permit number:	[new permit number]
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Signed:

[name of authorised person]

Authorised to sign on behalf of [name of LA]

Date of signing

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[Address]

For EA use only (WQ officer at NPS to complete and send to Income Dept 311, FSC):

Please note the amendment to the above permit and the revision to the annual charging band for the following financial year.

Agency Officer:	[name]	Date:	[date]
Contact telephone number	[number]		

Signed:

For EA FSC use only:

Actioned by:	[name]	Date:	[date]
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Annex XII Offences

This annex relates to chapters 11 and 28 of the Manual

This annex contains extracts from the EP Regulations relating to offence, penalties and defences; a list of LA-IPPC/LAPPC offences reported to Defra covering the period since April 2003; and a list of journals which local authorities may like to consider using to publicise any enforcement action.

Legal provisions

The following replicates EP regulations 38-40 and 39.

Offences

38.—(1) It is an offence for a person to—

- (a) contravene regulation 12(1); or
- (b) knowingly cause or knowingly permit the contravention of regulation 12(1)(a).

(2) It is an offence for a person to fail to comply with or to contravene an environmental permit condition.

(3) It is an offence for a person to fail to comply with the requirements of an enforcement notice or of a prohibition notice, suspension notice, landfill closure notice or mining waste facility closure notice.

(4) It is an offence for a person—

- (a) to fail to comply with a notice under regulation 60(1) requiring the provision of information, without reasonable excuse;
- (b) to make a statement which the person knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in a material particular, where the statement is made—
 - (i) in purported compliance with a requirement to provide information imposed by or under a provision of these Regulations,
 - (ii) for the purpose of obtaining the grant of an environmental permit to any person, or the variation, transfer in whole or in part, or surrender in whole or in part of an environmental permit, or
 - (iii) for the purpose of obtaining, renewing or amending the registration of an exempt facility;

(c) intentionally to make a false entry in a record required to be kept under an environmental permit condition;

- (d) with intent to deceive—
- (i) to forge or use a document issued or authorised to be issued or required for any purpose under an environmental permit condition, or
 - (ii) to make or have in the person's possession a document so closely resembling such a document as to be likely to deceive.

(5) It is an offence for an establishment or undertaking to—

- (a) fail to comply with paragraph 14(3) or (4) of Schedule 2; or
- (b) intentionally make a false entry in a record required to be kept under that paragraph.

(6) If an offence committed by a person under this regulation is due to the act or default of some other person, that other person is also guilty of the offence and liable to be proceeded against and punished accordingly, whether or not proceedings for the offence are taken against the first-mentioned person

Penalties

39.—(1) A person guilty of an offence under regulation 38(1), (2) or (3) is liable—

- (a) on summary conviction to a fine not exceeding £50,000 or imprisonment for a term not exceeding 12 months, or to both; or
- (b) on conviction on indictment to a fine or imprisonment for a term not exceeding 5 years, or to both.

(2) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003(33), paragraph (1)(a) has effect as if for “12 months” there were substituted “6 months”.

(3) A person guilty of an offence under regulation 38(4) is liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to a fine or imprisonment for a term not exceeding 2 years, or to both.

(4) An establishment or undertaking guilty of an offence under regulation 38(5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Defences

40.—(1) It is a defence for a person charged with an offence under regulation 38(1), (2) or (3) to prove that the acts alleged to constitute the contravention were done in an emergency in order to avoid danger to human health in a case where—

- (a) the person took all such steps as were reasonably practicable in the circumstances for minimising pollution; and
- (b) particulars of the acts were furnished to the regulator as soon as reasonably practicable after they were done.

(2) A person who knowingly permits a water discharge activity or groundwater activity where the discharge is water from an abandoned mine or an abandoned part of a mine is not guilty of an offence under regulation 38(1) unless—

(a) the person is the owner or former operator of the mine or that part of it; and

(b) the mine or the part of the mine was abandoned after 31st December 1999.

(3) In paragraph (2), “abandoned”, in relation to a mine, and “mine” have the meaning given in section 91A of the 1991 Act.

List of LA-IPPC/LAPPC prosecutions since 2005/6

Chapter 11 advises that local authorities take account of previous relevant offences in determining operator competence. The following is a table of offences recorded in the Defra/WAG annual statistical report on LA-IPPC/LAPPC since 2001/2.

name of business	brief description of offence	penalty (fine/imprisonment)	date of offence	local authority
2005/06				
Briggs Demolition	Operating a mobile crusher and screener without permission to operate at a demolition site	£2,000	04/11/05	Bury
J L T Plant Hire	Crusher – did not apply for a permit	£1,000	12/10/05	Carlisle
Sonae (UK) Ltd	Failure to monitor emissions from WESP as required by authorisation	£10,000	01/12/05	Knowsley
Sonae (UK) Ltd	Failure to comply with a notice for further information	£1,000	01/12/05	Knowsley
Sonae (UK) Ltd	Failure to comply with a notice for further information	£1,000	01/12/05	Knowsley
Filon Products Ltd	Operating without a permit	£3,000	12/09/06	Lichfield
Energybuild Ltd	?	£750	06/04/05	Neath & Port Talbot
CPI Motors Ltd (North)	Emission from Lime silo – non-compliance with permit conditions	£7,500	23/03/06	Salford
Sigmacast	Visible continuous emissions of fume from cupola plant	£20,000	18/11/05	Sandwell
DSR Demolition	Operating a mobile crusher without a permit	£4,500	27/03/06	Sheffield
2006/07				
Solus (London) Ltd	Failure to undertake daily odour assessment and maintain records, and to make false records	£1,000	17/08/06	Camden
2007/08				
Walker Concrete Products Ltd	Failure to implement dust control measures	£8,000	17/03/07	Caerphilly
CC Automotive Group (Carcraft of Leeds)	Operating without a permit	£11,000	03/07/07	Leeds

Cherry Hill Skip Hire Ltd	Operating without dust suppression, no documented visual assessments, etc	£3,000	28/09/07	Newcastle under Lyme
R Etchells & Sons Ltd	Failure to comply with enforcement notice re no annual emissions test	£3,155	08/08/07	Tameside
Stolzle Flaconnage Ltd	Continued breach of particulate emission limit (no abatement)	£8,000	18/07/07	Wakefield
2008/09				
Blaydon Metal Co Ltd	Permit breaches over 18 months, 12 charges (guilty plea)	£9,500	09/03/09	Gateshead
Spray Wright Ltd	Failure to provide information of solvent usage	£250	28/11/08	High Peak
Alan Davies Screen Crusher Repairs Ltd	Operating crusher without a permit	£9,971 under Proceeds of Crime Act + unconditional discharge		Rhondda Cynon Taff
Mr Blankson	Operating a dry cleaners without a permit and breach of an information notice	£3,000	09/06/08	West Berkshire
2009/10				
Canvey Dry Cleaners	Not complying with permit conditions	£500	11/01/10	Castle Point
Website Ltd	Not complying with conditions of the permit including not using the afterburner	£5,000	03/10/9	Leeds
Team Impressions Ltd	Operation without a permit	£6,000	11/03/10	Leeds
John Knight (ABP) Ltd	Breaches of environmental permit leading to 80 odour complaints	£10,000	15/06/09	Newham
2010/11				
John Knight (ABP) Ltd	Multiple breaches of environmental permit resulting in the release of offensive odour	£75,000	16/02/11	Newham
Ethos Recycling Ltd	Failure to comply with an information notice and operating a cement batching plant without a permit	£4,500	28/08/09	Barking + Dagenham
Recycled Materials Supplies Ltd	Breach of an enforcement notice concerning the height of stockpiles	£1,000	14/01/11	Newham
KMW Construction Ltd	?	£200	21/04/10	N Lincs
Prestige Dry Cleaners	Operating without a permit	£461	20/05/10	Redbridge

Selected journals

Chapter 11 advises local authorities on notifying the media about successful prosecutions. The following journals may be relevant.

Air Quality Bulletin <http://www.empublishing.org.uk/air/>

BBC Wildlife Magazine

<http://www.bbcwildlifemagazine.com/Default.asp?bhcp=1>

Croner's Environment Briefing

http://www.croner.co.uk/productDetails/category/health_safety/environmental_management/product/Environmental_Management

ECO Brief c/o Environmental Industries Federation <http://www.water-waste-environment-marketplace.com/details.asp?cid=10336>

Environmental Health News <http://www.cieh.org/ehn>

edie <http://www.edie.net/about.asp?channel=0>

EHS Update [CBI]

<http://www.cbi.org.uk/ndbs/content.nsf/802737aed3e3420580256706005390ae/977B18594C98C93A80256BA5003C1321>

Energy and Environmental Management <http://www.eaem.co.uk/>

Environment Bulletin

<http://www.emediauk.co.uk/?page=BulletinDetails&bulletin=158&name=Environment+Bulletin>

Environment in Business <http://www.eibonline.co.uk/>

Environment Information Bulletin

<http://www2.warwick.ac.uk/fac/soc/law/elj/directory/e/eib/>

Environment Times <http://www.environmenttimes.co.uk/>

European Environmental Law for Industry

<http://www.foodnews.co.uk/portal/puboptions.jsp?Option=menu&pubId=ag056>

Greenpeace Business <http://www.greenpeace.org.uk/about/what-is-greenpeace-business>

Land Contamination & Reclamation

<http://www.ingentaconnect.com/content/epp/lcr>

Local Authority Waste & Environment

<http://www.edie.net/magazines/info.asp?channel=0&mag=LA>

Recycling & Waste World <http://www.recyclingwasteworld.co.uk/>

The Ends Report <http://www.endsreport.com/>

UK Environment News <http://www.water-waste-environment-marketplace.com/details.asp?cid=10182>

Waste Management World <http://www.magazinesubscription.co.uk/subscribe-to/Waste-Management-World-Magazine.html>

Waste Planning

http://www.haymarket.com/planning/multi/waste_planning_magazine/default.aspx

Annex XIII Content of register

This annex relates to chapter 29 of the Manual

The following replicates Schedule 24 of the EP Regulations.

Regulation 46(1)

SCHEDULE 24

Public registers

Matters to be included in a public register

- 1.—(1) A public register must contain a copy of—
- (a) every application for—
 - (i) the grant of an environmental permit,
 - (ii) the variation of an environmental permit,
 - (iii) the transfer of an environmental permit in whole or in part, or
 - (iv) the surrender of an environmental permit in whole or in part;
 - (b) every notice requesting further information under paragraph 4(1) of Part 1 of Schedule 5;
 - (c) all representations made in respect of an application for the grant or variation of an environmental permit;
 - (d) every environmental permit, variation, transfer in whole or in part, or surrender in whole or in part granted or made by the regulator;
 - (e) every determination or decision notified under paragraph 17(2)(a) of Part 1 of Schedule 5;
 - (f) every prohibition notice, enforcement notice, revocation notice, suspension notice, landfill closure notice, mining waste facility closure notice or notice withdrawing such a notice served by the regulator;
 - (g) in relation to an appeal to an appropriate authority, every—
 - (i) notice of appeal,
 - (ii) document relating to the appeal,
 - (iii) representation made in respect of the appeal, and
 - (iv) determination of the authority, including any report accompanying that determination;
 - (h) all information obtained by the regulator—
 - (i) as a result of its own monitoring,
 - (ii) as a result of monitoring required under an environmental permit condition, or

- (iii) under regulation 60 in relation to monitoring;
 - (i) all other information given to the regulator in compliance with—
 - (i) an environmental permit condition,
 - (ii) an enforcement notice,
 - (iii) a suspension notice,
 - (iv) a landfill closure notice,
 - (v) a mining waste facility closure notice, or
 - (vi) regulation 60;
 - (j) every report published by the regulator relating to an assessment of the environmental consequences of the operation of an installation;
 - (k) every direction given to the regulator or the exemption registration authority by an appropriate authority under these Regulations, other than a direction given under regulation 47 or paragraph 9 of Schedule 2.
- (2) A public register must also contain—
- (a) details of any conviction or formal caution for an offence under regulation 38 in respect of an environmental permit granted by the regulator or a failure to apply to the regulator for the grant of an environmental permit;
 - (b) an inventory of closed mining waste facilities as required under Article 20 of the Mining Waste Directive;
 - (c) a list identifying all waste incineration installations—
 - (i) which have a capacity of less than 2 tonnes per hour, and
 - (ii) whose operation is authorised by an environmental permit containing conditions which give effect to the Waste Incineration Directive; and
 - (d) details of—
 - (i) all fees and charges paid to a regulator within the meaning of regulation 65 pursuant to a scheme under that regulation, and
 - (ii) the total expenditure of that regulator in exercising its functions under these Regulations.

(3) The regulator may omit any representation referred to in sub-paragraph (1) from its public register at the request of the person making the representation, but the regulator must then include in the public register a statement that a representation was made and was the subject of such a request.

(4) The regulator may omit from its public register any representation which substantially duplicates a representation already included in the public register, but the regulator must then include on the register a statement of the number of representations that have been omitted on this basis.

(5) If the regulator omits from its public register information referred to in sub-paragraph (1)(h) on the grounds that it is commercially or industrially confidential, the regulator must include in the public register a statement indicating whether or not there has been compliance with any environmental permit condition related to that information and requiring compliance with emission limit values.

(6) In this paragraph, “waste incineration installation” has the meaning given in Schedule 13.

Information no longer relevant for public participation

2. A regulator is not required to keep in its public register information which is no longer relevant for the purposes of public participation required under these Regulations.

Formal cautions

3. A regulator must remove details of any formal caution from its public register 5 years after the caution was given.

Annex XIV Triviality

This annex relates to chapter 2 of the Manual

There is a 'triviality' exemption for Part B installations only. This applies where the substances released are of a trivial quantity with insignificant capacity to do harm and the pollution potential is so low as to be inconsequential. However it does not apply to Part B's in respect of sites which may give rise to offensive odour. (See paragraph 6 of Part 1 of Schedule 1 to the EP Regulations). The final decision will be a matter for each local authority, based on the facts of the individual case and it is suggested that authorities will be best able to satisfy themselves that an installation is trivial or not by asking the operator a number of questions relating to that process. There are examples of such checklists in AQ notes on "Triviality and Zinc Diecasters" (AQ3(93)) and "Triviality and Small Coal Mines" AQ7(93). These notes are copied below.

AQ3(93) – Triviality and Zinc Diecasters

The following checklist contains the questions which it is suggested authorities should address in reaching that decision:

- a) *Have there been any justifiable air pollution complaints against the zinc diecaster during the previous 2 or so years? Care should be taken if the complaints were received at a time when the zinc diecaster was in other than the present ownership*
- b) *Are there any smoke emissions from the zinc diecaster? Exemption may be justified if smoke emissions are minor and the other questions in this list are satisfactorily answered. However, it is suggested that further investigation may be appropriate where there are any smoke emissions, since even minor emissions can be an outward sign of a more serious pollution potential.*
- c) *What fuel is used for the melting or holding vessel? The use of natural gas, electricity or fuel within classes A2 or D of Part 2 of British Standard BS2869:1988 will strengthen any case for exemption.*
- d) *What type of material is being melted? Many zinc diecasters utilise raw material which complies with the British Standard BS1004:0972 [now EN 1774:1998]. The quality requirements of this standard or any forthcoming successor standard are such that diecasters using only raw material in compliance with it would strengthen the case for exemption. This standard allows only the melting of zinc ingot from refiners or the operator's returns, runners and risers.*
- e) *Are substances added to the melt (principally fluxing agents and degassing agents)? Care should be taken offering exemption in such cases.*

- f) *Is the melting or holding vessel temperature thermostatically controlled?* The use of a mechanism to control temperature so that it does not exceed 460°C would support the case for exemption
- g) *Are any grinding, fettling and shotblasting machines vented internally or externally?* Internal venting will tend to support exemption
- h) *Is a solvent based die lubricant used?* Most die lubricants in use are water based and therefore present no particular air pollution problems. Some rapid cycling diecasting machines however use a solvent based lubricant, the use of which will generate VOCs. It is suggested that the sole use of water based die lubricants would support the case for exemption and that likewise, full time use of solvent based die lubricants is likely to warrant control. If solvent based lubricants are used only occasionally then the decision should rest on the proportion of plant time and lubricant usage that they make up.

It is important that the exemption should only be agreed on the basis of the currently understood operation. Local authorities should check periodically that a process continues to warrant exemption

AQ7(93) – Triviality and small coal mines

The following checklist contains the questions which it is suggested authorities should address in reaching that decision:

- a) *Have there been any justifiable air pollution complaints against the mine during the previous two or so years?* Care should be taken if the complaints were received at a time when the mine was being worked by a different operator.
- b) *How much coal is extracted from the mine on a daily basis?* If, on average, 50 tonnes or less per day is mined there might be a case for exemption.
- c) *How wet is the coal when extracted?* Moist coal is obviously less likely to give rise to emissions of a particulate matter.
- d) *Where trams are emptied or where the discharge conveyor terminates to the stock area, how high is the drop from the point where trams are emptied to the stock area?* A large drop height may give rise to a greater levels of particulate matter emissions, as the coal is more likely to break up on impact.
- e) *Is any processing carried out other than loading and unloading?* If screening, grading, crushing or grinding of coal take place, there will clearly be additional potential sources of emissions which will need to be weighed against the factors in favour of exemption.
- f) *How much coal is stored/intended to be stored in the stockyard?* A large amount of coal will generally have a greater potential to give rise to dust emissions. Again, the wetness of the extracted coal may have some relevance.
- g) *What amounts of dust are emitted as a result of vehicles transporting coal on the site?* The nature of the site roadways is likely to affect emissions of dust during vehicle movement.

- h) Where is the mine located?* If dust emissions from the process are likely to be minimal, the nature of the surrounding area may nonetheless be a factor - for example, account should be taken of whether there are nearby dwellings or ecologically sensitive areas.

Annex XV List of sectors which participate in Climate Change Agreements

This annex relates to chapter 14 of the Manual

Sector	Sector Association
Aerospace	Society of British Aerospace Companies
Aluminium	The Aluminium Federation
Bakers	National Association of Master Bakers
Brewers	Brewers and Licensed Retailers Assoc
Cement	British Cement Assoc
Calcium Carbonate	British Calcium Carbonate Federation
Ceramics	British Ceramics Assoc
Chemicals	Chemical Industries Assoc
Cleveland Potash Ltd	Cleveland Potash Ltd
Compressed Industrial Gases	British Compressed Gases Association
Dairy Industry	Dairy Industry Federation
Egg Processing	British Egg Industry Council
Eggs	National Farmers' Union
Eurisol	UK Mineral Wool Association
Food & Drink	Food and Drink Federation
Foundries	Target 2010
Geosynthetics	British Non-woven Manufacturing Assoc
Glass	British Glass Manufacturers' Confederation
Gypsum Products	Gypsum Product Development Assoc
Heat Treatment	Surface Engineering Association
Kaolin and Ball Clay	Kaolin and Ball Clay Association
Leather	British Leather Confederation
Lime	British Lime Association
Malsters	Malsters Assoc.of Great Britain

Meat Processing/Feed	British Poultry and Meat Federation
Meat	British Meat Federation
Metal Forming	Confederation of British Metal Formers
Metal Packaging	Metal Packaging and Manufacturers' Assoc
Motor Manufacturers	Society of Motor Manufacturers and Traders
NFU – Pigs	National Farmers' Union
NFU – Poultry	National Farmers' Union
NFU – Horticulture	National Farmers' Union
Non-Ferrous	Non-Ferrous Alliance
Packaging and Industrial Films	Packaging and Industrial Films Association
Paper	The Paper Federation of Great Britain
Poultry Meat	National Farmers' Union
Poultry Meat	British Poultry and Meat Federation
Printing	British Printing Industry Federation
Renderers	United Kingdom Renderers' Assoc
Rubber	British Rubber Manufacturers' Assoc
Semiconductors	National Microelectronics Institute
Slag Grinders	Cementitious Slag Makers' Assoc
Spirits	Spirits Energy Efficiency Company
Steel	United Kingdom Steel Assoc
Supermarkets	Food and Drink Federation – Supermarkets
Surface Engineering	Surface Engineering Association
Temperature Controlled Storage	Cold Storage & Distribution Federation
Textiles	British Apparel and Textiles Association
UKASTA	UK Agricultural Supply Trade Association
Wallcoverings	The Wallcoverings Manufacturers Assoc
Wood Panel	Wood Panel Industries Federation

Annex XVI Energy efficiency requirements under Climate Change Levy

This annex relates to chapter 14 of the Manual

Schedule 3 to the underlying CCL agreement

The qualitative requirements for the facilities to which this agreement applies are as follows.

1. Preparation and implementation of energy plan

1.1 The operator shall prepare and implement a document (an “energy plan”) setting out the energy policy for each facility to which this agreement applies. The degree of detail required in the energy plan and the approach to be taken shall depend on the size of the facility, its energy use and the pre-existing systems in place.

1.2 The energy plan shall be designed to demonstrate the operator’s commitment to continuous improvement in energy efficiency at the facility concerned in order to meet the targets in this agreement set for the facility. It shall, in particular -

(a) set out a programme for regular surveys of the main energy consuming parts of the facility to identify means of reducing energy use by -

- (i) improved ‘house-keeping’ measures;
- (ii) improved management and control of processes;
- (iii) installation of better processes, either by retrofits or new build; and
- (iv) increased use of combined heat and power where appropriate;

(b) commit the operator, when capital investments are planned in relation to the facility, to giving energy efficiency due regard in the selection and configuration of plant, and adopting the most energy efficient equipment available when the marginal cost is justifiable;

(c) provide for adequate resourcing of energy management in relation to the facility and for measurable objectives; and

(d) identify the Director or Senior Manager with overall responsibility for the energy plan and its implementation.

1.3 The energy plan shall also contain management policies designed to facilitate the implementation of the policies in the plan. The management policies shall, in particular, set out–

- (a) who is responsible for energy use in the facility and for the implementation of the policies in the energy plan;
- (b) appropriate methods for communication to ensure that the policies and procedures are understood and that management commitment to them is visible;
- (c) training plans, both for energy managers and the workforce as appropriate;
- (d) procedures for appropriate planned and emergency maintenance of equipment, and for its replacement; and
- (e) procedures for assessing the cost-effectiveness of an energy saving measure, which should take a view of savings over the lifetime of the measure.

2. **Monitoring and control**

2.1 The operator shall set up a system for monitoring and controlling progress in the implementation of the energy plan and identifying improvement actions.

2.2 The monitoring and control system shall–

- (a) measure the principal energy flows within the facility;
- (b) report energy use in appropriate units to operating managers at a frequency appropriate to the quantity of energy consumed;
- (c) provide standards of performance that managers are charged with achieving;
- (d) allow the review of achievements against standards in order to identify where action needs to be taken; and
- (e) allow the review of standards periodically so that they may be tightened as performance improves.

3. **Reporting**

3.1 The operator shall produce management reports on energy use and management (progress against objectives, conclusions from regular reviews, etc) in a way appropriate to the size and complexity of the facility.

3.2 The reports shall include–

- (a) progress reports as necessary or as required by the appropriate senior management body (e.g. Board) in order to ensure adequate control and review of objectives; and
- (b) frequent reports for operational management control.

4. **Review**

4.1 The operator shall carry out regular reviews of the energy plan and its implementation.

4.2 The reviews shall include -

- (a) consideration of the plan's policy (its aims and objectives, scope, adequacy);
- (b) comparisons of quantitative performance against targets;
- (c) comparisons with benchmark data (where available); and
- (d) reviews of the barriers to the implementation of energy efficiency improvements, and proposals for addressing these as far as is possible.

4.3 The operator shall vary the energy plan, where appropriate, to take account of the results of the reviews.

Annex XVII Applying the Habitats Regulations and the Wildlife and Countryside Act to applications for EP permits

This annex relates to chapter 31 of the Manual

1. This annex gives advice to local authorities on assessing applications for permits or substantial changes which could affect the following sites which are protected because of their wildlife and nature conservation value:
 - Sites of Special Scientific Interest (SSSIs)
 - European Sites (as defined in the Regulations, these sites are collectively known as the Natura 2000 network, and include Special Areas of Conservation and Special Protection Areas).
 - Wetlands of international importance under the Ramsar Convention (Ramsar sites)

Advice on assessing adverse impacts on protected sites is available from the appropriate nature conservation agency (Natural England or the Countryside Council for Wales).

Note: in most cases local authorities should not need to progress beyond paragraph 7.3 of this annex, except for the further information contacts and web addresses for the location of relevant sites which are at paragraph 14 of appendix 3 to the annex.

2. This annex also contains further advice in 3 appendices:
 - appendix 1 – procedures flowchart
 - appendix 2 – advice on how to carry out a conservation assessment
 - appendix 3 – local nature conservation agency contact details

Background

3. The Conservation (Habitats & Species) Regulations 2010 and the Wildlife and Countryside Act ('WCA') 1981 (as amended by the Countryside and Rights of Way (CROW) Act 2000) place obligations on EP regulators.

4. The Conservation Regulations require that a local authority, in assessing an A2 (LA-IPPC) or Part B (LAPPC) application that is likely to have a significant effect on a European Site, either alone or in combination with other plans or projects, must make an ‘appropriate assessment’ of the implications for the site in view of that site’s conservation objectives. In the light of the assessment, the authority shall agree to the application only after having ascertained that it will not adversely affect the integrity of the European site. The Regulations stipulate the circumstances in which an application may be approved notwithstanding a negative assessment. As a matter of policy the same considerations should be applied to listed Ramsar sites.
5. The CROW Act⁶ amendments to the WCA place new duties on local authorities in relation to granting various forms of approval, including planning permission and Part A2 and B PPC permits, which are capable of damaging a SSSI. The local authority will need to submit a formal notice to the relevant nature conservation agency if the activity to be granted a permit under PPC constitutes an “Operation Likely to Damage” (OLD) the notified features of interest of the SSSI⁷.
6. It is important to note the different requirements under these two sets of legislation, and as a result the different procedures which apply when dealing with protected sites.

Additional steps necessary (summarised in the flowchart in appendix 1 of this annex)

7. The combined effect of the EP and Conservation Regulations and the WCA is that if an installation applying for an EP permit or substantial change has the potential to affect a protected site then the following procedures must be followed:

Initial screening

- 7.1 Every application for a Part A2 or B permit or substantial change must be subjected to an initial screening. In many cases, no further action will be needed.
- 7.2 The initial screening must assess the potential of the proposal to affect a relevant conservation site. The initial screening is simply a matter of determining whether the proposal is located within the relevant distance of a protected site as set out in appendix 2 of this annex. If it is, a conservation assessment will be required and the remainder of this note must be followed. If the initial screening shows the proposal is beyond the relevant distance then further action would not normally be required, however it is important to bear in mind that installations outside these distances could still have potential to affect a protected site, but such cases are likely to be exceptional

⁶ The CROW Act amendments to the WCA⁸¹ place a general duty on public bodies to take reasonable steps consistent with the proper exercise of the authority’s functions to further the conservation and enhancement of the flora, fauna or geological or physiological features by reason of which the site is of special interest.

⁷ Each SSSI will have a citation and include a list of OLDs.

7.3 Where it is unclear whether a conservation assessment is required, the draft application should be discussed with the relevant nature conservation agency as early as possible.

Producing a conservation assessment

- role of the operator

7.4 The local authority may request reasonable information from the applicant in order to make a conservation assessment. In practice the local authority may ask operators to submit this information as part of their application. Advice on how to carry out such a conservation assessment is included in appendix 2 of this annex.

7.5 It may take some time to collect the information required for this assessment, so it is advisable for operators to take account of nature conservation issues at an early stage. If the proposed installation is shown through the assessment to be likely to affect a protected site then the relevant nature conservation agency should be contacted as early as possible. Where appropriate, including the nature conservation agency in the pre-application discussions will speed-up the final assessment of any impact the operation of the installation may have on the protected site, and may help to smooth out any necessary notice procedures.

NB The Environment Agency provides advice to local authorities on the water aspects of A2 applications so should be involved in this process at an early stage where there are likely to be emissions to controlled water.

- role of the local authority

7.6 Local authorities should alert operators to the possible need for a conservation assessment during any pre-application contact or discussions.

7.7 Once the application has been received, local authorities may need to use their powers under Schedule 5, paragraph 4 of the EP Regulations to obtain further information necessary for the conservation assessment or if this is requested by the conservation agencies.

7.8 The local authority would then need to review and consider the information provided in the conservation assessment having regard to any consultation responses – see paragraph 8 below.

7.9 There is a further stage under the Conservation Regulations. If the information in the conservation assessment indicates there is likely to be a significant effect on a European Site then before determining the application the local authority is required to carry out an assessment appropriate to the implications for the site in view of its conservation objectives. The appropriate nature conservation agency will advise on whether an appropriate assessment is required and on what they consider will be the implications for the site in view of its conservation objectives. Reasonable information can be requested from the

applicant to inform the appropriate assessment. The nature of the appropriate assessment will depend on the conservation objective of that site.

- 7.10 Local authorities are ultimately responsible for determining the application, and for ensuring the appropriate assessment is carried out. The conclusions of the appropriate assessment should be properly recorded so that the reasons for the decision, including the factors considered for the purposes of the Conservation Regulations are transparent.

Consultation

8. The nature conservation agencies are no longer statutory consultees as under PPC, but see advice on consultation in Chapter 9 of this Manual. Undertaking the initial screening requirements in paragraph 7.2 above will advise whether the application for a particular installation should be sent to the nature conservation agencies for their views as statutory consultees. They should also be sent any conservation assessments that have been undertaken. The agencies will advise on any particular sensitivities with regard to the protected sites which would need to be considered when determining the application for a permit.
9. Under the Conservation Regulations (for European Sites) it is necessary to consult with the relevant nature conservation agency before the appropriate assessment has been made for the installation. The process to produce this appropriate assessment is separate from the consultation with statutory consultees and this consultation period should not be extended as a result of the time taken to complete the appropriate assessment.

Post consultation/determination period

10. The appropriate assessment is conducted after statutory consultations as part of the determination process. As stated earlier it may be appropriate to use powers under Schedule 5, paragraph 4 to obtain further information. This will have the effect of extending the normal 4-month determination period. The relevant nature conservation agency should be consulted on the conclusions of the appropriate assessment. In the light of the appropriate assessment, and subject to Habitats regulation 49, the local authority shall agree to the application only after having ascertained that it will not adversely affect the integrity of the European site.
11. Under the WCA - if the local authority judges that the conservation assessment of the proposed installation suggests that the operation is likely to damage the notified features of interest of a SSSI, a notice must be given to the nature conservation agency. The nature conservation agencies would advise within 28 days as to the effects on the SSSI and what elements may require modification to avoid an impact on the site. The local authority must take any advice given into account in making its decision. Should the authority be minded to issue the permit against the advice of the nature conservation agency, a second formal notice will need to be sent to the nature conservation agency. The operation may not be permitted to start within 21 days of the giving of that second notice. The

nature conservation agency may use that period of time to decide whether to request Secretary of State/Welsh Ministers' involvement in the determination of the application. There is currently no definition of 'damage' under the WCA. Damage is assessed on a site-by-site basis according to the notified site features and baseline condition of the site. A risk assessment approach is advised and guidance on this can be found in the joint Environment Agency/Natural England/Countryside Council for Wales guidance (see reference in further information section below)

12. Where the Conservation Regulations and WCA both apply to a site, best practice is to make any necessary judgements under the Habitats Regulations and undertake a full appropriate assessment (where required) before the service of a notice under the WCA.

Procedures for existing installations

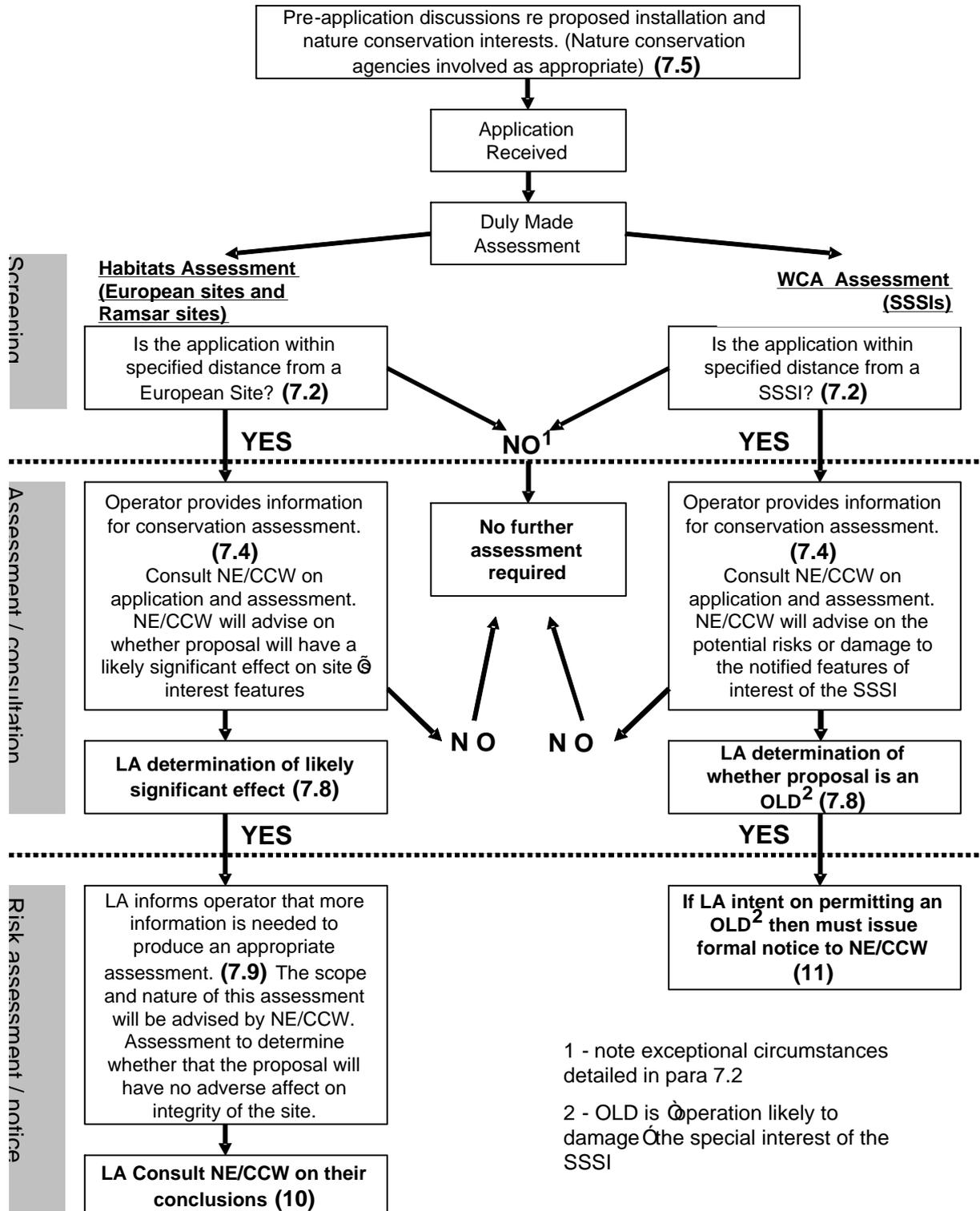
13. The administrative procedure of moving from an PPC permit to an EP permit does not trigger the procedures set out in this annex.

Further information

14. Contact details for all nature conservation offices are attached at appendix 3 of this annex. Other sources of information include:
- <http://magic.defra.gov.uk/> for the location of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs) (for England only) and citations (description of interest features) for SACs and SSSIs. Also information on RAMSAR sites.
 - <http://naturalengland.org.uk> for background information on special sites and contact details for local area teams in Natural England.
 - www.ccw.gov.uk for background information on special sites and contact details for local area teams in the Countryside Commission for Wales.
 - www.environment-agency.gov.uk for contact details of local area teams and their H1 document - 'Integrated Pollution Prevention and Control (IPPC) Environmental Assessment and Appraisal of BAT'.

Appendix 1 - simplified assessment procedure for local authorities (LAs) and consultation procedures under CROW & Habitats Regulations

Note: text boxes below include reference to the relevant paragraph in the main part of this Annex



Appendix 2 - advice on how to carry out a conservation assessment

1. Paragraphs 2 and 3 below indicate when it would be necessary for such a conservation assessment to be made. Further guidance on the procedures for a full appropriate assessment for the purposes of the Conservation Regulations are contained in the joint Environment Agency/Natural England/Countryside Council for Wales guidance on the Habitats Directive (full reference in the further information section of the main note):

For releases to air (A2 and B applications)

2. For releases to air, if the installation is within
 - 2 kilometres for an A2 installation (unless otherwise stated in paragraph 3 below for water emissions)
 - 2 kilometres for an installation which includes Part B combustion, incineration (but not crematoria), iron and steel, and non-ferrous metal activities
 - 1 kilometre for Part B mineral activities and cement and lime activities and
 - ½ a kilometre for all other Part B activities

of a conservation site (or exceptionally any other installations likely to have a significant effect and therefore deemed to need a conservation assessment as specified in paragraph 7.2 of the annex) the applicant should be asked to provide the following information as part of their application:

- details of the predicted process contribution to concentrations and deposition at the designated site(s) for released pollutants which have the potential to pollute that site. It is acceptable to use look-up charts or tables to estimate the impact on the conservation site (these can be found in Environment Agency guidance note H1, *details in the main part of this annex*). More complex dispersion modelling can be used if there is doubt whether there might be a “likely significant effect” to such a conservation site or whether the installation constitutes “an operation likely to damage” such a site (or there is a need to clarify the nature of the impact from the installation).
- Information on the background (ambient) concentration and deposition at the European Site(s) (Natura 2000). The relevant nature conservation agency should be able to advise how to get hold of this information.
- An estimate of the predicted environmental concentration and deposition at the European Site(s) (Natura 2000) based on the above two bullets.

For discharges to water (A2 applications)

3. If the operator discharges substances to a controlled water, they should identify any SSSIs within 2km and European Site(s) (Natura 2000) within hydrological continuity, i.e. all discharges into or upstream of a river site, and, all discharges made upstream or downstream into tidal waters.

Information may exceptionally be required for other installations deemed to need a conservation assessment as specified in Paragraph 7.2 of the main part of this annex. The further information in paragraph 4 below should be provided for discharges within 2km of SSSIs and the following discharges in relation to European Site(s) (Natura 2000):

- Within 3km of European Site(s) (Natura 2000) – all discharges
- Within 10km – all discharges >5m³ a day
- Within 50km – all discharges >1000m³ a day and
- Within 50 km - all discharges containing substances listed in Annex 1 to the joint Environment Agency/Natural England “Handbook for Agency permissions and activities” .

No further information is required for releases direct to sewage treatment works (STWs).

4. The next step is to provide information to enable an assessment of the impacts of these discharges to receiving water from the installation (Environment Agency guidance note H1 sets out a suitable methodology for this assessment, *see further information section for full reference*). The specific information the operator would need to provide are:

- Details of pollutants discharged to water from the installation.
- Details of the characteristics of the flow of effluent i.e. mean flow, maximum flow etc.
- Whether there is a pathway by which the pollutants emitted can reach the conservation site?
- A list of the environmental benchmarks (for example environmental quality standards - EQSs) used to assess impacts against. These can be found on the Environment Agency website.
- Details of the predicted process contribution (PC) to concentrations in the receiving waters for all the pollutants including details of how this estimate was derived.
- Information on the background (ambient) concentration in the receiving waters and details of how this information has been derived and from this provide an estimate of the predicted environmental concentration (PEC) in the receiving waters.

Appendix 3 - local nature conservation agency contact details (February 2009)

Natural England

<http://www.naturalengland.org.uk/contact/default.htm>
http://www.naturalengland.org.uk/about_us/contact_us/

Countryside Council for Wales

<http://www.ccw.gov.uk/help-with-the-site/general-enquiries.aspx>

Annex XVIII Interface between the Clean Air Act and LA-IPPC/LAPPC

This annex relates to chapters 10, 23 and 27 of the Manual

This annex is to clarify that any exemptions under the Clean Air Act 1993 for small-scale incinerators or combustion plant burning waste material do not apply if the activity comes under LAPPC or LA-IPPC.

Appliances are not regulated under the [Clean Air Act 1993](#) (CAA) if LAPPC/LA-IPPC applies, ie

- they are incineration plant (as defined in the EP Regulations – see appendix to this annex) and burn non hazardous waste at any capacity;
- they are not incineration plant, burn non hazardous waste (as defined in the EP Regulations – see appendix) and have a capacity of more than 50kg/hour and burn any non hazardous waste;
- they burn any hazardous waste at any capacity; or
- they are waste combustion plant with a net rated thermal input of 0.4MW or more.

In all these cases they will be subject to EP Regulations.

Clean Air Act 1993

Section 21 of the CAA provides the Secretary of State and Welsh Ministers with powers to exempt fireplaces, stoves, boilers, etc, for use in smoke control areas from the provisions in section 20 of the Act which prohibit emissions of smoke in those areas and generally requires people to burn an authorised smokeless fuel.

Manufacturers apply to Defra for exemptions. The appliances are subject to tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke, before being exempt for by Order in a Statutory Instrument for general use in smoke control areas in England. Welsh Ministers make separate Orders.

Some of the appliances are for home heating, but others, such as small incinerators and boilers, are used in industrial or commercial premises for burning specified materials, including particular types of waste material. A list of current exemptions with details of each appliance and materials and conditions which apply, is available on the Defra [website](#).

Among the materials included in the conditions are cardboard, polythene, cardboard cartons, coated papers, plastic and rubber waste, paper, cardboard, corrugated paper, office or domestic waste, wood, polythene sheet or foam, polypropylene, nylon, polyethylene, rubber foam backed carpet, cotton waste, plastic coated chipboard. Many of the exempt appliances are

also exempt to burn a variety of waste wood, although this is largely untreated wood.

EP Regulations

Incinerators and combustion plant burning a wide range of waste materials are subject to LAPPC or LA-IPPC. Some of the appliances exempted under the CAA installed in industrial premises are subject to LA-IPPC as a result of the implementation of the Waste Incineration Directive (WID) – see Schedule 13 of the EP Regulations).

Future CAA applications

Defra cannot consider any new CAA applications for exemptions which relate to appliances which require an LAPPC or LA-IPPC permit. Therefore, for example, an application for exemption for an appliance for burning waste wood will only be considered if the wood waste to be burned will not contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating, including, in particular wood waste originating from construction and demolition waste.

Likewise, any existing exemption granted under the CAA will no longer apply if the appliance comes under LAPPC or LA-IPPC.

Guidance

This annex does not provide guidance on which individual wastes are or are not within the scope of the Waste Incineration Directive controls. Such matters is addressed separately – see the [guide on the Waste Incineration Directive](#).

Appendix

Environmental Permitting Regulations 2010, Schedule 1, Part 2, Section 5.1 incineration and co-incineration plant:-

“incineration plant” means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of wastes with or without recovery of the combustion heat generated, including – (a) the incineration by oxidation of waste, and (b) other thermal treatment processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the treatment are subsequently incinerated....

“non hazardous waste” waste means waste which is not hazardous waste.

“hazardous waste” means any solid or liquid waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005 except for –

(a) combustible liquid wastes including waste oils as defined in Article 1 of Council Directive 75/439/EEC on the disposal of waste oils provide that they meet the following criteria-

(i) the mass content of polychlorinated aromatic hydrocarbons, for example, polychlorinated biphenyls or pentachlorinated phenol, amounts to concentrations not higher than those set out in the relevant Community legislation;

(ii) these wastes are not rendered hazardous by virtue of containing other constituent listed in Annex II to Council Directive 91/689/EEC on hazardous waste in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Council Directive 75/442/EEC on waste; and

(iii) the net calorific value amounts to at least 30 MJ per kilogramme;

(b) any combustible liquid wastes which cannot cause, in the flue gas directly resulting from their combustion, emissions other than those from gasoil as defined in Article 1(1) of Council Directive 93/12/EEC relating to the sulphur content of certain liquid fuels or a higher concentration of emissions than those resulting from the combustion of gasoil as so defined.

Annex XIX European pollutant transfer and release register

This annex relates to chapter 37 of the Manual

Section 1 – this is a copy of Annex II of the E-PRTR Regulation: the report to the European Commission must cover releases to air, water and land of the pollutants listed below, but only where the amount released is above the specified thresholds.

No	CAS	Pollutant [2]	Threshold for releases		
			to air	to water	to land
1	74-82-8	Methane (CH ₄)	100000	- [3]	-
2	630-08-0	Carbon monoxide (CO)	500000	-	-
3	124-38-9	Carbon dioxide (CO ₂)	100 million	-	-
4		Hydro-fluorocarbons (HFCs) [4]	100	-	-
5	10024-97-2	Nitrous oxide (N ₂ O)	10000	-	-
6	7664-41-7	Ammonia (NH ₃)	10000	-	-
7		Non-methane volatile organic compounds (NMVOC)	100000	-	-
8		Nitrogen oxides (NO _x /NO ₂)	100000	-	-
9		Perfluorocarbons (PFCs)[5]	100	-	-
10	2551-62-4	Sulphur hexafluoride (SF ₆)	50	-	-
11		Sulphur oxides (SO _x /SO ₂)	150000	-	-
12		Total nitrogen	-	50000	50000
13		Total phosphorus	-	5000	5000
14		Hydrochlorofluorocarbons (HCFCs) [6]	1	-	-
15		Chlorofluorocarbons (CFCs) [7]	1	-	-
16		Halons [8]	1	-	-

17		Arsenic and compounds (as As) [9]	20	5	5
18		Cadmium and compounds (as Cd) [9]	10	5	5
19		Chromium and compounds (as Cr) [9]	100	50	50
20		Copper and compounds (as Cu) [9]	100	50	50
21		Mercury and compounds (as Hg) [9]	10	1	1
22		Nickel and compounds (as Ni) [9]	50	20	20
23		Lead and compounds (as Pb) [9]	200	20	20
24		Zinc and compounds (as Zn) [9]	200	100	100
25	15972-60-8	Alachlor	-	1	1
26	309-00-2	Aldrin	1	1	1
27	1912-24-9	Atrazine	-	1	1
28	57-74-9	Chlordane	1	1	1
29	143-50-0	Chlordecone	1	1	1
30	470-90-6	Chlorfenvinphos	-	1	1
31	85535-84-8	Chloro-alkanes, C10-C13	-	1	1
32	2921-88-2	Chlorpyrifos	-	1	1
33	50-29-3	DDT	1	1	1
34	107-06-2	1,2-dichloroethane (EDC)	1000	10	10
35	75-09-2	Dichloromethane (DCM)	1000	10	10
36	60-57-1	Dieldrin	1	1	1
37	330-54-1	Diuron	-	1	1
38	115-29-7	Endosulphan	-	1	1
39	72-20-8	Endrin	1	1	1
40		Halogenated organic compounds (as AOX) [10]	-	1000	1000
41	76-44-8	Heptachlor	1	1	1
42	118-74-1	Hexachlorobenzene (HCB)	10	1	1
43	87-68-3	Hexachlorobutadiene (HCBd)	-	1	1
44	608-73-1	1,2,3,4,5,6-hexachloro-			

		cyclohexane(HCH)	10	1	1
45	58-89-9	Lindane	1	1	1
46	2385-85-5	Mirex	1	1	1
47		PCDD + PCDF (dioxins + furans) (as Teq) [11]	0,0001	0,0001	0,0001
48	608-93-5	Pentachlorobenzene	1	1	1
49	87-86-5	Pentachlorophenol (PCP)	10	1	1
50	1336-36-3	Polychlorinated biphenyls (PCBs)	0,1	0,1	0,1
51	122-34-9	Simazine	-	1	1
52	127-18-4	Tetrachloroethylene (PER) 2000		10	-
53	56-23-5	Tetrachloromethane (TCM)100		1	-
54	12002-48-1	Trichlorobenzenes (TCBs) (all isomers)	10	1	-
55	71-55-6	1,1,1-trichloroethane	100	-	-
56	79-34-5	1,1,2,2-tetrachloroethane	50	-	-
57	79-01-6	Trichloroethylene	2000	10	-
58	67-66-3	Trichloromethane	500	10	-
59	8001-35-2	Toxaphene	1	1	1
60	75-01-4	Vinyl chloride	1000	10	10
61	120-12-7	Anthracene	50	1	1
62	71-43-2	Benzene	1000	200	200
				(as BTEX) [12]	
63		Brominated diphenyl-ethers (PBDE) [13]	-	1	1
64		Nonylphenol and Nonylphenol ethoxylates (NP/NPEs)	-	1	1
65	100-41-4	Ethyl benzene	-	200	200
				(as BTEX) [12]	
66	75-21-8	Ethylene oxide	1000	10	10
67	34123-59-6	Isoproturon	-	1	1
68	91-20-3	Naphthalene	100	10	10
69		Organotin compounds (as total Sn)	-	50	50
70	117-81-7	Di-(2-ethyl hexyl) phthalate (DEHP)	10	1	1
71	108-95-2	Phenols (as total C) [14]	-	20	20

72		Polycyclic aromatic hydrocarbons (PAHs) [15]	50	5	5
73	108-88-3	Toluene	-	200	200
				(as BTEX) [12]	
74		Tributyltin and compounds [16]	-	1	1
75		Triphenyltin and compounds [17]	-	1	1
76		Total organic carbon (TOC) (as total C or COD/3)	-	50000	-
77	1582-09-8	Trifluralin	-	1	1
78	1330-20-7	Xylenes [18]	-	200	200
				(as BTEX) [12]	
79		Chlorides (as total Cl)	-	2 million	2mill
80		Chlorine and inorganic compounds (as HCl)	10000	-	-
81	1332-21-4	Asbestos	1	1	1
82		Cyanides (as total CN)	-	50	50
83		Fluorides (as total F)	-	2000	2000
84		Fluorine and inorganic compounds (as HF)	5000	-	-
85	74-90-8	Hydrogen cyanide (HCN)	200	-	-
86		Particulate matter (PM10)	50000	-	-
87	1806-26-4	Octylphenols and Octylphenol ethoxylates	-	1	-
88	206-44-0	Fluoranthene	-	1	-
89	465-73-6	Isodrin	-	1	-
90	36355-1-8	Hexabromobiphenyl	0,1	0,1	0,1
91	191-24-2	Benzo(g,h,i)perylene	-	1	-

[1] Releases of pollutants falling into several categories of pollutants shall be reported for each of these categories.

[2] Unless otherwise specified any pollutant specified in Annex II shall be reported as the total mass of that pollutant or, where the pollutant is a group of substances, as the total mass of the group.

[3] A hyphen (—) indicates that the parameter and medium in question do not trigger a reporting requirement.

[4] Total mass of hydrogen fluorocarbons: sum of HFC23, HFC32, HFC41, HFC4310mee, HFC125, HFC134, HFC134a, HFC152a, HFC143, HFC143a, HFC227ea, HFC236fa, HFC245ca, HFC365mfc.

[5] Total mass of perfluorocarbons: sum of CF₄, C₂F₆, C₃F₈, C₄F₁₀, c-C₄F₈, C₅F₁₂, C₆F₁₄.

[6] Total mass of substances including their isomers listed in Group VIII of Annex I to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer (OJ L 244, 29.9.2000, p. 1). Regulation as amended by Regulation (EC) No 1804/2003 (OJ L 265, 16.10.2003, p. 1).

[7] Total mass of substances including their isomers listed in Group I and II of Annex I to Regulation (EC) No 2037/2000.

[8] Total mass of substances including their isomers listed in Group III and VI of Annex I to Regulation (EC) No 2037/2000.

[9] All metals shall be reported as the total mass of the element in all chemical forms present in the release.

[10] Halogenated organic compounds which can be adsorbed to activated carbon expressed as chloride.

[11] Expressed as I-TEQ.

[12] Single pollutants are to be reported if the threshold for BTEX (the sum parameter of benzene, toluene, ethyl benzene, xylenes) is exceeded.

[13] Total mass of the following brominated diphenylethers: penta-BDE, octa-BDE and deca-BDE.

[14] Total mass of phenol and simple substituted phenols expressed as total carbon.

[15] Polycyclic aromatic hydrocarbons (PAHs) are to be measured for reporting of releases to air as benzo(a)pyrene (50-32-8), benzo(b)fluoranthene (205-99-2), benzo(k)fluoranthene (207-08-9), indeno(1,2,3-cd)pyrene (193-39-5) (derived from Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants (OJ L 229, 29.6.2004, p. 5)).

[16] Total mass of tributyltin compounds, expressed as mass of tributyltin.

[17] Total mass of triphenyltin compounds, expressed as mass of triphenyltin.

[18] Total mass of xylene (ortho-xylene, meta-xylene, para-xylene).

Section 2 – this is a copy of Annex III of the E-PRTR Regulation which sets out the format in which the UK will have to submit the data to the European Commission, and consequently, the categories on which E-PRTR operators will be required to submit information.

Reference year	
Identification of the facility	
Name of the parent company	
Name of the facility	
Identification number of facility	
Street address	
Town/village	

Postal code		
Country		
Coordinates of the location		
River basin district [1]		
NACE-code (4 digits)		
Main economic activity		
Production volume (optional)		
Number of installations (optional)		
Number of operating hours in year (optional)		
Number of employees (optional)		
Text field for textual information or website address delivered by facility or parent company (optional)		
All Annex I activities of the facility (according to the coding system given in Annex I and the IPPC code where available)		
Activity 1 (main Annex I activity)		
Activity 2		
Activity N		
Release data to air for the facility for each pollutant exceeding threshold value (according to Annex II)		Releases to air
Pollutant 1	M: measured; Analytical Method used	T: Total in kg/year
Pollutant 2	C: calculated; Calculation Method used	A: accidental in kg/year
Pollutant N	E: estimated	
Release data to water for the facility for each pollutant exceeding threshold value (according to Annex II)		Releases to water
Pollutant 1	M: measured; Analytical Method used	T: Total in kg/year
Pollutant 2	C: calculated; Calculation Method used	A: accidental in kg/year
Pollutant N	E: estimated	
Release data to land for the facility for each pollutant exceeding threshold value (according to Annex II)		Releases to land
Pollutant 1	M: measured; Analytical Method used	T: Total in kg/year
Pollutant 2	C: calculated; Calculation Method used	A: accidental in kg/year
Pollutant N	E: estimated	

	E: estimated	
Off-site transfer of each pollutant destined for waste-water treatment in quantities exceeding threshold value (according to Annex II)		
Pollutant 1	M: measured; Analytical Method used	in kg/year
Pollutant 2	C: calculated; Calculation Method used	
Pollutant N	E: estimated	
Off-site transfers of hazardous waste for the facility exceeding threshold value (according to Article 5)		
<u>Within the country:</u> For Recovery (R)	M: measured; Analytical Method used C: calculated; Calculation Method used E: estimated	in tonnes/year
<u>Within the country:</u> For Disposal (D)	M: measured; Analytical Method used C: calculated; Calculation Method used E: estimated	in tonnes/year
<u>To other countries:</u> For Recovery (R) Name of the recoverer Address of the recoverer Address of actual recovery site receiving the transfer	M: measured; Analytical Method used C: calculated; Calculation Method used E: estimated	in tonnes/year
<u>To other countries:</u> For Disposal (D) Name of the disposer Address of the disposer Address of actual disposal site receiving the transfer	M: measured; Analytical Method used C: calculated; Calculation Method used E: estimated	in tonnes/year
Off-site transfer of non-hazardous waste for the facility exceeding threshold value (according to Article 5)		
For Recovery (R)	M: measured; Analytical Method used C: calculated; Calculation Method used E: estimated	in tonnes/year

For Disposal (D)	M: measured; Analytical Method used C: calculated; Calculation Method used E: estimated	in tonnes/year
Competent authority for requests of the public: Name Street address Town/village Telephone No Fax No E-mail address		
[1] According to Article 3(1) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1). Directive as amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1).		

Annex XX: Solvent emissions

Directive Q+A

This annex relates to chapter 34 of the Manual

The following are questions and answers from a series of seminars held by Defra in 2004 previously published in AQ28(04), with minor updating and removal of some questions which are no longer relevant..

1. How do I determine the extent of the SED installation?

A SED installation must be a "Stationary Technical Unit", where one or more SED Activity is carried out and the SED activity must have a solvent consumption over the SED threshold. The SED activities are listed in the new Section 7 of Part 2 to Schedule 1 of the EP Regulations. SED thresholds are contained within Table 1 of each sector specific guidance note.

2. Do solvents removed from site count in the calculation of solvent consumption?

Solvents removed for offsite recovery or reuse do not count in determining solvent consumption. However, solvents which are removed from the site because they have been sold, as a product or part of the product, are counted, along with, any waste solvent which is disposed of and not recovered. Solvent consumption is the solvent purchased and used on site minus any solvent reused or recovered determined over a 12-month period.

3. How are substantially changed operations defined and when must they apply for a permit?

SED Box 3 in the notes gives guidance on 'substantially changed' processes or activities as follows: For a small installation, a change of capacity leading to an increase in VOC emissions of more than 25%. For all other installations a change of the capacity leading to an increase of VOC emissions of more than 10%. Any change that may have, in the opinion of the competent authority, significant negative effects on human health or the environment is also a substantial change. For new and substantially changed activities permit applications are required by 20th May 2004. New activities are defined as those which were into operation after 1 April 2001 (this includes those plant previous not regulated eg dry cleaners). New and substantially changed installations from the 20 May must have a permit before they start up.

4. What are the transitional requirements for existing activities?

Existing installations are those installations which were operating prior to 1 April 2001 or had made a full application for a permit by 1 April 2001 and operational by 1 April 2002. For existing installations not using the Reduction Scheme where new VOC abatement has been fitted, a permit application was required by 20 May 2004. For existing installations using Risk Phrase Substances, permit application was required by 20 May 2004. For operations using the reduction scheme, permit application is required by 31 October 2005.

5. Guidance states that a reduction scheme must be by 31 October 2005? Is the first compliance year 2004 to 2005 or 2005 to 2006?

In the UK, the Regulations for England and Wales require that for existing SED Installations, an application be made to use the reduction scheme by 31/10/2005. An operator should identify whether they opt for a reduction scheme by that date. SED Regulation 6(1) states that where an operator selected the reduction scheme as their compliance option, they must operate in accordance with that scheme from 31/10/05. The first full year of compliance been between 31/10/2005 and 31/10/2006 but local authorities may take enforcement action within this year if appropriate to do so.

6. How do I find out whether a solvent has an assigned designated risk phrase?

Risk Phrases are referenced in [The Chemicals \(Hazard Information and Packaging for Supply\) Regulations 1994](#), SI 3247 and the Approved Guide to the classification and labelling of dangerous substances and preparations dangerous for supply (Third Edition). Suppliers are required by law to display the risk phrase labelling on the original delivery packaging. The Materials Safety Data Sheets should also identify whether a substance or preparation has a Risk Phrase assigned, operators are obliged to hold this information. Note: a preparation may contain substances which are assigned one of the risk phrases R45, R46, R49, R60 or R61*, but the preparation itself would not be assigned that risk phrase, as the proportion of the risk phrase material is below the relevant classification threshold in the final preparation for the preparation as a whole to carry the risk phrase. For example White Spirit may contain small amounts of benzene. The

*see paragraph 34.1A of the Manual regarding the change to the Globally Harmonized System of Classification and Labelling of Chemicals

benzene which carries the risk phrases, however white spirit itself does not as the amount of benzene within the white spirit is so low. When looking at preparations it must be borne in mind that only VOCs which

carry the risk phrase should be considered: eg some chromium paints are assigned the risk phrases because of the content of chromium not the VOC.

7. A process manufactures organic solvents, is it covered by the SED?

No- If it doesn't use organic solvents it is not covered. The manufacture of organic solvents is not a Part 7 activity and hence not covered by SED

8. A process uses organic solvents for the maintenance of boats is it now captured by SED?

Yes - The SED Regulations increase the regulated activities to include coating activities provided they use organic solvents over the SED threshold and disregarding whether the solvents are used in the cause of a manufacturing process.

9. I have an operator with a degreaser (using >1 tonne of R40 solvent) which is directly-associated to an authorised coating process. When permitting, do I also apply all the BAT requirements of PG6/45 as well as the required SED Boxes for PG6/23(04)?

Yes - Where surface cleaning is directly-associated and technically connected with a PG 6/23 (04) coating activities, the provisions that apply will depend on whether the surface cleaning is below the SED surface cleaning thresholds. The surface cleaning activity is above the SED threshold (>1te R40) and therefore the full provisions of PG 6/45 (04) must be applied in addition to the provisions of PG 6/23 (04). The compliance options may be different for the two SED activities and the permit should reflect this.

10. If a printer has 5 presses (each using around 200 tonnes of solvent per year) and mixes his/her own inks from a dispenser, are there six installations under part B or 1 installation under part A2?

If there are five prescribed activities (printing) on the same site, they are all captured by the same installation. The printer uses >200 te per annum and is therefore on A(2) installation rather than five or six Part B installations. If the combined solvent consumption were less than the A(2), threshold, the site would comprise one Part B installation.

11. Where an operator has opted for the Solvent Reduction Scheme, do ELVs still apply?

If an operator has opted for the Solvent Reduction Scheme, SED Emission Limit Values do not apply apart from those for designated risk phrase materials. ELVs for non-designated materials may, however be permitted where they are needed as BAT to prevent pollution of the environment and harm to human health.

12. In SG6, why has no threshold value been incorporated into Row 15 of Table 4 for R40 emissions when a threshold of 100g/hour is required by the Directive

SED article 5(8) specifies a threshold for R40 of 100g/hr over which an ELV should be given of 20mg/m³. This has been implemented through the SED Regulations and the A2 note SG6 includes this minimum requirement. The threshold has been intentionally omitted because it is considered that 20mg/m³ is achievable using BAT disregarding the requirements of SED. BAT can be tighter than SED but not provide for lesser regulation.

13. I regulate a company who apply adhesives to rubber who use over 15 tonnes of toluene per year. All releases are fugitive. The PG Note requires a ratio of 1:1 for solids to VOCs but greater than 90% of the solvent is emitted fugitively and therefore the company cannot comply with the Solvent Reduction Scheme but abatement costs would prohibit other compliance options.

With regard to a Solvent Reduction Scheme, Annex IIB - paragraph 1 of SED allows for alternative approaches to compliance. Whilst not strictly a derogation from SED, such alternative approaches are referred to in the guidance as derogations (see paragraph 1.18 of PG 6/32). Annex IIB states that any alternative should provide for reductions equivalent to those achieved by emission limit values. In these circumstances an operator must demonstrate equivalence to the satisfaction of the regulator and also that the best available technique is being used and that there are no significant risks to human health or the environment. Before alternative measures are permitted for SED activities, the regulator must notify Defra and give full justification of each case where SED requirements are not applied. The LAU helpdesk can be used for technical queries in this respect.

14. How do I determine the solids content of any particular coating?

For compliance with the Solvent Reduction Scheme, coating suppliers should be able to provide information on the non-volatile content of their coatings.

15. In PG 6/16(04), do the monitoring requirements adjacent to Row 1 apply to other Rows?

Yes, the solid lines between the rows in the monitoring column in SED Box 5 is not intentional.

16. During the SED Workshops, reference was made to a Reduction Scheme Spreadsheet in development that could be used by LAs and operators to determine ongoing compliance with the Reduction Scheme. When will the spreadsheet be published?

The spreadsheet was published on the Defra website at the same time as this question and answer briefing
[http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/notes/aqnotes/documents/aq30\(04\).xls](http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/notes/aqnotes/documents/aq30(04).xls) .

17. Will all Dry Cleaners come under PPC regardless of their size and tonnage of solvent used.

Yes. Although not all dry cleaners come under PPC immediately as the timing of applications for a PPC permit depends on whether they are classed as "existing" or "new" (please refer to Defra guidance for definitions of these terms)

18. What is the status of the Notice under 3(13) of the SED Regulations when an operator fails to comply with any of the requirements of the SED Regulations. Is this equivalent to a 24(1) enforcement notice?

The SED Regulations state (Reg 3 (14)) that a notice served under paragraph 3(13) shall be treated for the purposes of the 2000 Regulations as an enforcement notice served under regulation 24(1) of the 2000 Regulations [now EP regulation 30]

19. Does the operator have to comply with the reduction scheme immediately upon application to the LA?

No. The operator must comply with the requirements of the proposed reduction scheme from 31st October 2005 until the determination date for the SED installation by which time SED emission limits should be met. In some circumstances the operator may want the reduction scheme to apply earlier and there is nothing to stop a local authority agreeing to this as a BAT decision.

20. When do operators need to implement their management plan?

Refer to the individual PG notes for this.

21. Many of the Processes in the new Section 7 are duplications of those in the existing sections. Which sections should processes be permitted under if they are applicable to both?

The requirements of the SED Regulations (i.e. Section 7) apply only to SED installations. A >15 tonne wood coating activity is subject to all the SED requirements and is listed in Section 7; a >5 tonne wood coating activity is caught in Section 6 which includes all the >15 tonne activities, but those activities between 5 and 15 tonnes are not subject to the SED Regulations. The PG Notes explain it in practice.

Annex XXI Seriousness of water incidents

This annex contains advice on deciding the seriousness of a water incident and what enforcement may be appropriate, in accordance with paragraph 10.29A of the Manual

These tables illustrate how serious a controlled waters incident is. They are drawn from the Environment Agency's Common Incident Classification Scheme, but detail has been omitted to give a clearer picture.

	Category 1	Category 2	Category 3	Cat 4
Water quality	<i>Persistent and/or extensive effect on water quality eg 7 days, eg 1-2km, but case specific</i>	<i>Significant but localised:</i> Heavy rainbow oil film eg low dissolved oxygen and high ammonia eg all of a ditch, few 100m of river	<i>Minimal effect.</i> Limited effect on water quality, normally only around point of discharge, but including thin oil sheen or film extending over a larger area.	No impact
Aquatic ecosystem	<i>Major damage to aquatic ecosystems</i> i) Destruction or major damage to fish population and/or habitat ii) Destruction or major damage to SSSI or other important aquatic wildlife habitats iii) Destruction or major impact on invertebrate populations iv) Gross and extensive contamination of bed of watercourse	<i>Significant damage to aquatic ecosystems</i> i) Significant impact on fish population and/or fish habitat ii) Significant but localised damage to an SSSI or other important aquatic wildlife habitats iii) Significant effect on invertebrate population and other aquatic fauna and flora. iv) Serious but localised contamination of bed of watercourse	<i>Minor damage:</i> bed of watercourse only marginally contaminated around point of discharge	No impact
Abstraction point	<i>Closure of a potable abstraction point</i>	<i>Non-routine notification</i>	No impact	No impact
Amenity value	<i>Major impact:</i> eg cancellation of	<i>Reduction:</i> include adverse	<i>Marginally affected:</i>	No impact

	an national angling match or Henley	affects on an EC designated bathing beach or other popular bathing beach or the cancellation of a recreational event or activity	eg small amount of litter in stream or thin oil film.	
Agriculture /commerce	<i>Major damage:</i> the destruction of fish farm stock, crops or livestock extensive contamination of product Justifiable closure of an important industrial or agricultural abstraction/ intake required	<i>Damage:</i> loss of a limited number of stock at a fish farm or part of a field of crops the interruption of production for several hours and/or contamination of limited amount of product at an industrial site.	<i>Minimal:</i> water affected but not been rendered unfit for agricultural or industrial use	No impact
People	<i>Serious impact:</i> serious and known health risks	<i>Impact:</i> possible minor health risks	No impact	No impact

Fishkill - Reported number dead to be considered category 1, 2 or 3

Fish / Location	Category 1	Category 2	Category 3	parameters
Salmonids	more than 5	less than 5	n/a	adults
Brown trout & other non-migratory trout	more than 50%	10-50%	less than 10%	individuals or trout biomass
Coarse fish and eels	more than 50%	10-50%	less than 10%	an individual species or mixed population by numbers or biomass.
Stillwaters	a major fish kill 50% plus Intensive >500 Improved >200 Natural >50	a significant fish kill 10-50% Intensive 100-500 Improved 75-200 Natural 25-50	a notable fish kill less than 10% Intensive <100 Improved <75 Natural <25	units are Kg/Ha dead

Mortality from instream disturbance	[Cat 1 incident unlikely from building demolition work]	10 to 100	less than 10	
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Annex XXII Previous amendments to the Manual

Amendments prior to the April 2012 amendments.

date of amendment	chapter/ paragraph where amendment can be found	nature of amendment - what paragraphs have been inserted, deleted, or amended - what subject matter is covered by the amendment
April '11	all Parts of the Manual	web links checked and updated. References to the previous Government's publications removed or updated
	chapter intro boxes	all introductory chapter boxes refreshed and now say whether apply to Part A2 or B (see para 1.4)
	where needed	text on waste updated to reflect the revised Waste Framework Directive 2008/98/EC
	1.13	updated reference to the Industrial Emissions Directive
	2.12	reference to new industrial pollution control Community of Practice for local authority officers
	5.2	amended reference to Planning Policy Paper 23 + new ref to the forthcoming national planning policy framework
	6.10	importance of having regard to proportionality in deciding whether to seek additional information and how much
	6.19A	new requirement to decide applications in accordance with appropriate marine policy documents in specified circumstances and with qualifications (see also 28.2A)
	6.37 + 26.5	confirmation that LAPPC permit review frequency is being extended to 8 years except where 26.4 applies
	11.37	additional para recommending LA officers gain experience so as to be "business savvy"
	23.25A	ref to mothballing option extended from 24 to 36 months
	23.25B	ref to new subsistence late payment charge
	27.9	new footnote
	27.11	reference to additional LAPC training course
	27.14	reference to LBRO paper on 'earned recognition'
	28.2	SEPA classification of operators: 'criminal' → 'champion'
	28.2A	new requirement as per 6.19A regarding enforcement
	28.41	enforcement in cases of severe winter weather
	29.9	more examples of LAs which publish public register info
	34.15	reference to the Paint Products amending regs 2010
	34.17	reference to dry cleaning <i>Updates</i> deleted: still available
	40.6-8	3 paragraph headings added
	40.10	revised heading and new intro wording for (iv)-(vi)
	40.13	amended date for start of mushroom guidance review

	Annex X	updated reference to CIPFA Code in section 3, para 6
	Part C	shorter + simpler A2 and Part B permit application forms

date of amendment	chapter/ paragraph where amendment can be found	nature of amendment
October '10	various	references to various former "AQ" notes deleted from sub-headings, and references to Lacors replaced by Local Government Regulation (LGReg)
"	1.15	revision to refer to a direction issued on 26/3/10 (first para) + to advise on the 5 waste exemptions which LAs should incorporate into Part B permits ("In addition....")
"	1.16B	new paragraph summarising the amendments made by the October 2010 amending Regulations
"	1.30A	new reference to The National Archives website, which contains documents previously deleted from the Defra website
"	2.47+ 2.48	guidance first issued in February 2010 on cases where LAs are both operator and regulator (mainly crematoria)
"	4.38	updated reference to LGReg's guidance on application of the Services Directive to the EP Regulations
"	6.20A	new suggestion that LAs insert a company's site identifier in its permits
"	11.12, 21.12, 27.12, 32.17	updated references to Envirowise, now incorporated within Wrap
"	12.11	corrected reference to EP regulation 106(1)
"	19.2A	updated reference to EP regulation 24(1)(a)
"	23.3	additional paragraph making it clear that LAs are under a duty to undertake the LAPPC and LA-IPPC functions
"	23.26A	small addition to guidance on use of suspension notices where subsistence charges have not been paid
"	25.13 + 28.2	clarification that the statutory Regulators' Compliance Code does not apply in Wales
"	Ch 32 + Annex VII	chapter 32 now stresses LAs' role in sharing good practice, and omits guidance on benchmarking good practice (now in Annex VII). Some para renumbering
"	32.14	guidance on various advice services updated. New reference to guidance from Business Links on marketing companies' environmental credentials
"	32.17	new paragraph on leaflet in Part D for use in engaging employees of regulated installations
"	34.1A	correction of error. Directive 2008/112/EC replaces the word "preparation" with "mixture" in the SED

“	38.6	updated to reflect new waste exemption provision in the 2010 Regulations
“	40.1	reference to direction newly-mentioned in para 1.15
“	Annex I	new definition of a further information notice (FIN)
“	Annex II	insertion of ‘AQ’ additional guidance issued 2009 + 2010
“	Annex VII	ten new LA good practice examples from Defra/WAG’s Spring 2010 invitation to LAs
“	Annex X	small clarification to para 6 of the guidance on procedures for reduced charges due to mothballing
“	Annex XXIII	Q+A on waste operations for which LAs are the exemption registration authority (first issued as email advice to LAs in July 2010 + extracts from the 2007 EP Regulations)
“	Parts C+D	March 2010 changes no longer highlighted in forms and notices
“	Part D	new form: suspension notice for non-payment of subsistence charges
“	Part D	leaflet for use in engaging employees of regulated installations
March '10	short summary	minor amendments
"	various	removal of references to gas odorisers, which are not longer regulated under LAPC. Minor amendments consequential on the 2010 Regs
"	1.1A	reference to Business Links website
"	1.3	updated to reflect 2010 Regs
"	1.5	deleted: referred to 2003 edition of the Manual
"	1.6	substitution of "activities" with "facilities" in line with para 2.1 of the Environmental Permitting Core Guidance
"	1.9	new transitional arrangements: un-determined applications now taken to be made under EPR2010
"	1.15	new guidance on local authority regulation of certain waste operations (see also new Chapter 40)
"	1.16A	list of the main relevant changes brought about by the 2010 EP Regulations
"	1.23	public register provisions now in Schedule 24
"	1.24	deleted because not relevant to 2010 Regs
"	2.7	repetition of advice on which Council regulates mobile plant
"	2.8A+B	new guidance on the categorisation of regulated facilities into "classes" in the 2010 Regs
"	2.12	update on the 'link authority' networking mechanism
"	2.23	non-significant amendment to reflect 2010 Regs
"	2.27A	deleted because no longer relevant
"	3.6	updated to reflect conclusions of the better regulation review of Part B installations
"	3.11 + 4.2	consequential amendment to reflect change to GGM paragraph 9

"	4.3	deleted because no longer relevant
"	4.5 + 4.37	new guidance on the EU Services Directive
"	4.34	the offences in the 2010 Regs are unchanged but regulation 38 is slightly re-ordered
"	6.37 + 26.5	indication that consideration is being given to extending permit review frequency to 8 years
"	8.1	the definition of 'confidential information' is unchanged, but has been relocated in the 2010 Regs
"	9.4	clarification: only emissions to air can be considered when assessing 'significant effects' re Part Bs
"	11.13	reference to new EMAS toolkit for small organisations
"	11.16A + Part D	new example framework for a basic EMS for possible use by Part B installations
"	11.30	update on schemes for operators of relevant waste operations to demonstrate technical competence
"	11.37	reference to second PPC training course (accredited by Institute of Air Quality Management)
"	14.17	update on the Carbon Reduction Commitment now called the CRC Energy Efficiency Scheme
"	23.8	paragraphs (d) and (h) deleted because superseded
"	23.26A	new power to serve a suspension notice for non-payment of charges
"	27.23A	new guidance about the use of Inspections to promote sustainable consumption and production
"	28.24A	new guidance on use of the regulation 38(6) power to take proceedings against those other than the operator
"	28.26	table of offences amended to reflect revised numbering of reg 38 in the 2010 Regs
"	28.32	cautions advice expanded to explain simple and conditional cautions
"	29.3	local authority public registers must contain information on all Env Agency regulated facilities in their area apart from mobile plant, or stand-alone water discharge or groundwater activities
"	ch 29	references to Sch 19 amended to Sch 24 in the 2010 Regulations
"	ch 31	updated references to legislation amended by the 2010 Regulations
"	31.1	deleted because no longer relevant
"	32.2	revised website for Midland Joint Advisory Council
"	32.10A	reference to new guidance on interface between statutory nuisance and LAPC
"	32.17	reference to guidance on measuring greenhouse gas emissions for small businesses
"	34.1A	reference to amendment to the Solvent Emissions Directive to align with the Globally Harmonized System of Classification and Labelling of Chemicals
"	ch 35	updated to reflect new PVRII petrol vapour recovery directive

"	ch 38 + Pt D	"temporary" transfer re-named "fixed-term"
"	39.17	need to report qualifying environmental damage incidents to the Government
"	40.1-10	guidance on the new local authority responsibilities for 'Schedule 3' waste operations which are directly associated with Part B installations
"	40.11-13	new guidance on all mushroom composting requiring a Part B permit
"	Annex XII	updated as per 2010 Regs, but no substantive change
"	Annex XIII	updated as per 2010 Regs; now includes local authority public register requirements for mining waste facilities, and omission of duplicate representations
"	Annex XXII	new annex containing list of GGM amendments prior to March 2010
"	Annex XXIII	new annex containing list of previous Manual amendments
	Parts C + D	forms updated to refer to 2010 Regulations - changes to A2 and Part B application forms and specimen notices (including attached guidance) have been shown in red for ease of identification
Sept 09	throughout	new URLs for Defra PPC webpages http://environment/quality/pollution/ppc/index.htm
"	end of each chapter	the boxes listing the main changes from the 2003 General Guidance Manual have been deleted
"	before chapter 1	new short summary of the LAPC system in line with the Code of Practice on Guidance on Regulation (ease of understanding)
"	1.1A	new para re compliance with the Code of Practice on Guidance on Regulation
"	1.8+9	transitional arrangements now described in past tense
"	1.27A	reference to the DOE Northern Ireland guidance
"	1.31	new para under "for regulated businesses" referring to LAs as a source of advice, and clearer language: to comply with Code of Practice on Guidance on Regulation
"	2.12, 33.16 + Annex 1	new reference to LAU website
"	2.13 + 2.18	changes to reflect amendment to EP reg 17 by the 'Mining Waste' Regulations SI 2009/1799 (reg 6). Can now have one permit for a Part B installation and another type of regulated facility.
"	2.16	minor correction: deletion of unintended bullet point
"	2.27	no longer restriction on a single permit for a site involving Part A and B installations
"	2.38A	additional guidance on meaning of "operator" based on Environment Agency guidance
"	2.38B	reference to Environment Agency guidance on dealing with death, financial difficulties or striking off of an operator.
"	4.3	deleted: text about 2008 transitional arrangements

"	4.6	weblink to two examples of Word application forms being available on a local authority website and a reference to the option of interactive PDF forms
"	Ch 6	in flow diagram, deleted incorrect wording "or substantial change to B permit which will become A2 " at the end of the Stage 1 box
"	10.34-5	amendments to reflect new Lacors/Environment Agency Memorandum on paying A2 water charges
"	10.36	deleted: related to pre-2009 water charging scheme
"	10.37	amended: revised approach to setting A2 water charges now finalised (no changes of substance)
"	11.30	reference to new Environmental Services Association waste competence scheme
"	14.3	reference to UK Low Carbon Transition Plan
"	17.2 + 6	reference to FIDOL factors for deciding odour offensiveness, and to 2009 consultation on a revision of the Environment Agency's H4 guidance
"	19.2A	new para: Part B surrender notification doesn't apply to waste operations covered by a Pt B permit
"	23.10, 11, 12 + 14	deleted: no longer LA-IPPC water application fees
"	23.22	amended to reflect change to 10.37
"	23.25A	new para on reduced subsistence charges due to mothballing/reduced operating levels (England only)
"	27.12-.23	amendments to reflect introduction of risk-based regulation for 6 'reduced fee' sectors. New 27.20A gives inspection frequencies for these 6 sectors
"	28.31	reference to new 2009 Magistrates Association toolkit on environmental sentencing, including an LAPPC case study
"	29.3	new advice on holding Environment Agency waste permitting information on the public register and the weblink for information about the EA's own register
"	29.3A	new advice on holding info about local authority-registered waste exemptions on the public register
"	29.9	more examples of local authorities with public register information on their websites
"	29.16A	new para on removing information about A1 installations from the local authority public register, plus minor change to heading above 29.16
"	30.31	updated reference to new guidance on award of costs arising from appeals
"	32.17A	new guidance on streamlining of advisory organisations under WRAP from April 2010
"	ch 38 + Annex X	insertion of "England only" in various places to show that the temporary transfer arrangements do not apply in Wales
"	38.20	new paragraph on use of serial numbers when regulating mobile plant

"	39.16	reference to Lacors template notices for the Environmental Damage Regulations
"	Annex VII	example of a local authority LAPPC newsletter (see RP5 of the Atkins action plan)
"	Annex X	copy of March 2009 Lacors/EA Memorandum of Understanding replaces previous MoU
"	Annex X	new section containing procedures for obtaining reduced subsistence charges due to mothballing or reduced operating levels (England only)
"	Annex XI	updated Environment Agency water conditions proforma referred to in paragraph 10.6
"	Annex XII	2007/8 successful prosecutions added. Updated list of journals re publicising prosecutions
"	Part D	amendment to request for information notice to recognise that it may be addressed to a person other than the operator of the installation
"	Part D	new declaration proforma for reduced subsistence charges due to mothballing/reduced operating level (England only)
Jan 09	-	all web links checked and several updated
"	2.25	amendment to second bullet: Defra/WAG approach where the three parties disagree over whether there should be a direction
"	9.16	British Waterways and highways authorities both added as a national consultee for A2 applications where there may be releases into canals or to highways authority sewers
"	10.13A	new paragraph advising A2 operators to apply to the Environment Agency to revoke discharge consents
"	10.29A	advice on deciding the seriousness of a water incident and what enforcement may be appropriate
"	10.35	review of LGA/Env Agency financial memorandum of understanding not yet complete
"	10.36 + 7	advice on replacement water charging scheme likely from April 2009
"	11.13	minor change to the reference to the Green Dragon EMS standard
"	11.30	reference to new scheme for demonstrating technical competence for waste activities
"	13.22	new paragraph advising on changes to monitoring standards referred to in process guidance notes
"	18.28	amendment to reflect the Env Agency's withdrawal of their 'site protection and monitoring programme' approach and new 2008 EA guidance
"	18.53	paragraph on environmental liability directive deleted. Superseded by new Chapter 39
"	22.2	MoU no longer available on LGA website, but can be found on Env Agency website
"	28.2	reference to LBRO guidance on the Regulators'

		Compliance Code
"	28.26	increase in maximum fine to £50,000 from 26/1/09
"	31.3	correction of reference to Annex XVIII
"	32.2	new reference to the Local Better Regulation Office, with link to website
"	32.19	reference to LACORS benchmarking toolkit
"	34.19	new paragraph on regulating the application of coatings with a short lifespan
"	35.5 + 6	new paragraphs describing the proposed new petrol vapour recovery stage II directive
	39	new Chapter 39 on the Environmental Damage Regulations
"	Annex I	glossary references to 'new' and 'existing' installations deleted: no longer needed since related to previous transitional arrangements
"	Annex II	new list of old AQ notes which were incorporated into the January 08 GGM inserted list of AQ notes published in 2008
"	Annex IV	contact details for British Waterways and advice on highways authorities added – see amendment to para 9.16
"	Annex XXI	seriousness of water incidents: new annex with advice referred to in 10.29A
"	forms	minor correction to B2.2 in the Part B application form
"	forms	minor corrections A2.2 and C3.1 in application forms for dry cleaners, petrol stations, small waste oil burners and vehicle refinishers
"	forms	minor correction to A1.3 in application form for vehicle refinishers
"	forms	minor correction to 2.14 in application form for petrol stations
July 08	8.5	new booklet for practitioners on FoI and the Environmental Information Regulations
"	12.11	encouragement to insert the implied BAT condition when varying former-PPC permits, although not a legal necessity. Correction of reference to EP reg 72(6) not (7) – also in paras 1.11 and 13.4
"	28.26	reference to the Climate Change Bill provision to increase the maximum fine to £50,000
"	28.30A	new guidance on the Proceeds of Crime Act 2002
"	38	new chapter 38 on mobile plant
"	Annex I	glossary entry for PPC Regulations includes new table of comparable references in the PPC and EP Regulations.
"	forms	introductory information: the heading “copies” is qualified by “- <i>not relevant for e-applications</i> ”
"	forms	weblinks corrected and updated
"	forms	application forms for dry cleaners, petrol stations, small waste oil burners and vehicle refinishers included – these

		are PG note versions updated to reflect EP Regulations and to include declaration as to previous offences. Now also available in Word
	temporary transfer form	new form for temporary transfer applications for mobile plant
“	forms	correction of repeat use of “relevant” in one sentence of the introduction
“	surrender appn	correction of incorrect reference to ‘transfer’ in second paragraph of the introduction
“	Part B appn	removal of misplaced wording in the final line of B3.2 re ½ km distance
“	notices	minor amendment to the rights of appeal explanation, for clarification
“	variation notice	correction to previous amendment: should have referred to PPC regulation 10(2) not 17(1)
”	temporary transfer	new letter authorising temporary transfer for mobile plant
April 08	1.13	new text on codification of the IPPC Directive and proposals to amend it
“	2.27A	guidance on the Transitional - Exercise of Functions at Part B installations Direction 2008
“	2.43	ref to LACORS/CIEH new guidance on partnership working
“	9.16	removal of the words “or mobile plant” in second bullet to correct an error
“	11.13	new ref to Welsh ‘Green Dragon Standard’ for EMS
“	11.27	new table of rehabilitation periods for offences
“	22.12	updated contact for Environment Agency Wales
“	23.33	updated ref confirming waste charges
“	28.2	updated link to Regulators’ Compliance Code
“	31.21	updated link to WID guidance
“	Annex XI	minor addition to guidance on process descriptions in permits
“	Annex XII	2001-03 details of offences removed
“	permit app’n	correction of paragraph numbering
“	variation notice	amendment to cover cases where the permit varied was issued under the PPC Regulations

Annex XXIII Additional guidance on local authority regulation of waste operations

'Schedule 3' operations which may be directly associated with a Part B activity

List of relevant waste exempt operations

For indicative purposes, the following are the headline descriptions of the operations in Part 1 of Schedule 3 to the 2010 Regulations that are most likely to be directly associated with a Part B activity (with, in some cases, further information in brackets).

Local authorities and operators are advised to look at the descriptions below. If they think any operations may be carried out in a way that is directly associated with a Part B activity, they should check the relevant entry in Schedule 3. These entries:

- describe in detail what waste operations are exempt, and
- list the conditions that must be met if the exemption is to operate.

The references (eg U4) below are those in Schedule 3 – the items marked with an asterisk were subject to amending by the EP amending Regulations [SI 2012/630](#).

U4	burning waste as a fuel in a small appliance
U5	use of waste-derived biodiesel as a fuel
U8*	use of waste for a specified purpose (especially use of waste paint as paint)
U9	use of waste to manufacture finished goods (eg waste ceramics, glass, gypsum, and metals)
T1	cleaning, washing, spraying or coating relevant waste
T3	treatment of waste metals and metal alloys by heating for the purposes of removing grease etc
T5*	screening and blending waste (eg waste gravel, crushed rocks, shellfish shells, waste bark and wood, concrete, bricks, tiles and ceramics, etc)
T6*	treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising
T7	treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size
T9	recovery of scrap metal
T10	sorting mixed waste (metal, and glass)
T12	manual treatment of waste (wooden pallets)

- T18 dewatering using flocculants (treatment of water based paint wash waters only)
- D6 disposal by incineration
- D7 burning waste in the open (plant tissue, sawdust shavings and cuttings from untreated wood only, and waste bark and wood)
- S1 storage of waste in secure containers (eg waste oil, paper and cardboard, absorbents/filter materials, wiping cloths etc)
- S2 storage of waste in a secure place (eg aqueous paint, non-hazardous construction and demolition waste capable of being used in its existing state, glass, road planings, waste road chippings, scrap metal, waste from aluminium thermal metallurgy, etc.

Example conditions when including directly associated Schedule 3 operations within a Part B permit

This example concerns the storage of waste solvents and solvent mixtures, which constitute a Schedule 3 operation that is directly associated with a Part B coating activity. This waste operation falls within category S2 in Schedule 3 to the 2010 Regulations. This should only be included in the Part B permit if the storage is in a secure place.

Activity description

The activity includes the storage of waste solvents and solvent mixtures in the tank shown at X on the attached plan.

Additional conditions, derived from Schedule 3

The waste solvents and solvent mixtures shall be stored in the tank shown at X on the attached plan.

The storage shall be limited to 5 cubic metres at any one time.

The waste solvent and solvent mixtures shall only be stored for the purposes of its recovery elsewhere.

No waste solvent or solvent mixtures shall be stored for longer than 6 months.

The waste solvent and solvent mixtures shall be stored separately from other waste.

Other standard conditions

Fugitive emissions of substances (excluding odour, noise and vibration) shall not cause pollution. All liquids, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent, or where that is not practicable, to minimise leakage and spillage from the primary container

Waste operations for which local authorities are the exemption registration authority

In accordance with paragraph 2 of Schedule 2 of the EP Regulations, the table below details the cases where local authorities are the exemption registration in relation to a waste operation. This applies only to exemptions falling within a description in paragraphs T3 or T7 in Schedule 3 which are not a directly associated activity of a Part B installation.

registering authority	waste operation
the local authority in whose area the establishment or undertaking has its principal place of business	a waste operation carried on by waste mobile plant by an establishment or undertaking whose principal place of business is or is not in England and Wales
the local authority in whose area the waste operation is carried on	a non-mobile waste operation

T3 is the treatment of waste metals and metal alloys by heating for the purposes of removing grease etc. T7 is the treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size. The full definitions can be found in Schedule 3.

Q+A on waste operations for which local authorities are the exemption registration authority (first issued as email advice to local authorities July 2010)

Q1 When is a waste operation eligible for registering an exemption?

A1 When it is listed in Schedule 3 to the EP Regulations and doesn't breach the WFD Article 4 objectives^{8*} and is not a directly associated activity (DAA) of a Part B activity.

Q2 What if the waste operation is causing a nuisance and the Environment Agency says it is still exempt?

⁸ The obligation provided by Article 4 of the Waste Framework Directive [now Art 13 of the revised WFD] is to ensure that waste *is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular:*

- without risk to water, air, soil, plants or animals; or
- without causing nuisance through noise or odours; or
- without adversely affecting the countryside or places of special interest.

A2 If you are satisfied that the Article 4 objectives are not being complied with, raise again with the Agency explaining that this is your view (and why) - taking it up with more senior EA officers if needs be and copying to Laura Rose at Lacors (now Local Government Regulation) at laura.rose@local.gov.uk. If you need to know more, there is [guidance on statutory nuisance and environmental permitting](#) .

Q3 Who registers an exemption?

A3 Normally operators register them with the EA, but T3 and T7 exemptions are registered with the LA even if not a DAA of a Part B activity.

Q4 What is T3?

A4 T3 covers metal decontamination furnaces with a capacity of <0.2MW (those above this threshold come under Part B of Section 2.1 and 2.2 of Schedule 1 to the EP Regulations)

Q5 What is T7?

A5 T7 covers non-Part B crushing plant: ie those assessed as 'trivial' and therefore do not warrant a Part B permit (sometimes referred to as 'micro-crushers')

Q6 How does a local authority register a T3 or T7?

A6 The LA has to be satisfied that the criteria specified in the T3 or T7 definitions in Schedule 3 are complied with, and also those in A1 above. Registration is just a matter of recording details of the waste operation in a document which is publicly available. The waste exemption register should be separately identified - ie not be an actual part of the Part B register.

Q7 How do you decide whether a waste exempt operation is a Part B DAA?

A7 Any waste exemption in Schedule 3 could potentially be a Part B DAA. This Annex (XXIII) lists the exemptions Defra thinks most likely could be such. Annex III of the General Guidance Manual advises on what a "DAA" is.

Q8 What do you do if it is a Part B DAA?

A8 If it has a current registration, you ought to vary the Part B permit conditions as per General Guidance Manual Chapter 40 by October 2013. If it doesn't have a current registration, you ought to vary the Part B permit straightaway. (See Q11 re 'priority'.)

Q9 What permit changes should be made by the variation?

A9 Chapter 40 suggests that variations should include the conditions specified in Schedule 3 for the relevant exemption, plus two or three general conditions as per paragraph 40.10 of the General Guidance Manual (GGM).

Q10 What about mobile plant?

A10 See paragraph 40.8 of the GGM.

Q11 What priority should you give handling waste exemptions?

A11 Chapter 40 of the GGM draws LAs' attention to the fact that, were it not for the new DAA provision, these waste operations would simply be regulated under a registered exemption. Defra envisages that LAs, in deciding their regulatory priorities, will focus on Part B DAAs that are having environmental impacts. If those impacts are significant (and consequently breach the Article 4 objectives) they will require a waste permit from the EA. In Defra's view it would need exceptional circumstances to warrant formal enforcement action if none of the conditions that would have been included has been breached.

Q12 What if the waste operation requires a permit and therefore, with the Part B permit, there are two regulators on the same site?

A12 Regulation 33 enables a regulator or the operator to ask the Secretary of State to issue a direction transferring regulatory responsibility for all activities on the site to one regulator (see Chapter 2 of the GGM).

Q13 Where can you find more guidance?

A13 Look at paragraph 1.15, Chapter 40 and this Annex of the GGM.

Q14 Where can you find fuller guidance on the activities that can and cannot be done under each exemption, the limits and the conditions?

A14 see the [Environment Agency website](#).

Extracts from Schedule 2 and 3 of the EP Regulations 2007 (see paragraph 1.15 of the GGM)

Schedule 2, paragraph 2

Interpretation: exemption registration authority

2.—(1) Subject to sub-paragraphs (2) and (3), the exemption registration authority in relation to a waste operation falling within Part 1 of Schedule 3 is the Agency.

(2) The exemption registration authority in relation to the following waste operations is the local authority regulator—

- (a) a waste operation falling within paragraph 2, 3, 24 or 43 of Schedule 3;
- (b) a waste operation falling within paragraph 4(3) of Schedule 3, if—

- (i) the operation relates to the coating or spraying of metal containers, and
- (ii) that coating or spraying is an activity within Part B of Section 6.4 of Part 2 of Schedule 1;
- (c) a waste operation falling within paragraph 12(3) of Schedule 3, if—
 - (i) the operation relates to the composting of biodegradable waste,
 - (ii) the operation is an activity within paragraph (a) of Part B of Section 6.8 of Part 2 of Schedule 1, and
 - (iii) the compost is to be used for cultivating mushrooms.

(3) The exemption registration authority in relation to a waste operation falling within paragraph 23 of Schedule 3 is the authority responsible for granting an authorisation—

- (a) in England, under regulation 27 of the Animal By-Products Regulations 2005(48);
- (b) in Wales, under regulation 27 of the Animal By-Products (Wales) Regulations 2006(49).

(4) In this paragraph “local authority regulator” means the local authority responsible for granting an environmental permit authorising the Part B activity in question.

Schedule 3, Part 1, paragraph 2

Scrap metal furnaces

2.—(1) Loading or unloading a scrap metal furnace, except at a place used for carrying on the business of a scrap metal dealer (within the meaning given by section 9(1) of the Scrap Metal Dealers Act 1964).

(2) Storing, at the place where a scrap metal furnace is located, scrap metal intended to be loaded into that scrap metal furnace.

(3) In this paragraph “scrap metal furnace” means a furnace—

- (a) with a designed holding capacity of less than 25 tonnes operated such that it is or forms part of an activity within—
 - (i) paragraph (a), (b) or (d) of Part B of Section 2.1 of Part 2 of Schedule 1, or
 - (ii) paragraph (a), (b) or (e) of Part B of Section 2.2 of Part 2 of Schedule 1; and
- (b) which is operated under an environmental permit.

Schedule 3, Part 1, paragraph 3

Burning waste as a fuel

3.—(1) Secure storage on any premises of any specified substance which is intended to be burned or fed into an appliance in which it is to be burned if—

- (a) no more than 25 tonnes is stored there at any one time; and
- (b) no waste is stored there for longer than 12 months.

(2) In this paragraph—

- (a) “specified substance” means the following types of waste—
 - (i) straw included in 02 01 03,

- (ii) poultry litter included in 02 01 06,
- (iii) wood included in 02 01 07, 03 01 01, 03 03 01, 20 01 38 or 20 02 01,,
- (iv) solid fuel which has been manufactured from waste by a process involving the application of heat included in 19 12 10;
- (b) “burned” means burned as a fuel pursuant to an environmental permit to the extent that it is or forms part of a Part B activity.

Schedule 3, Part 1, paragraph 4

Packaging or containers

4.—(1) Subject to sub-paragraph (2), cleaning, washing, spraying or coating of waste consisting of packaging or containers so that it can be reused if the total quantity of such waste so dealt with at any place does not exceed 1,000 tonnes in any period of seven days.

(2) An operation does not fall within this paragraph if the cleaning, washing, spraying or coating falls within Part B of Section 6.4 (coating activities and printing) of Part 2 of Schedule 1.

(3) Storing waste in connection with the carrying on of an operation described in sub-paragraph (1) at the place where the operation is carried on unless—

- (a) the total quantity of such waste stored at that place exceeds 1,000 tonnes; or
- (b) more than 1 tonne of metal containers used for the transport or storage of any chemical are dealt with in any period of seven days.

Schedule 3, Part 1, paragraph 24

Crushing, grinding or size reduction of bricks, tiles or concrete

24.—(1) Storage at the place where crushing is carried on of any waste bricks, tiles or concrete which is intended to be crushed if—

- (a) the total quantity of such waste stored at that place at any time does not exceed 20,000 tonnes; and
- (b) where the crushing is carried on otherwise than at the place where such waste is produced, the crushing is carried on with a view to the recovery or reuse of the waste.

(2) In this paragraph, “crushing” means crushing, grinding or other size reduction under an environmental permit to the extent it is an activity within paragraph (a) of Part B of Section 3.5 of Part 2 of Schedule 1.

Schedule 3, Part 1, paragraph 43

Glass Manufacture and Production

43.—(1) Storage, at the place where the activity is carried out, of any waste glass which is intended to be used as part of the activity if—

- (a) the total quantity of waste glass used as part of the activity does not exceed 600,000 tonnes in any period of 12 months; and
- (b) the activity is carried on under an environmental permit.

(2) In this paragraph “activity” means an activity within Part B of Section 3.3 of Part 2 of Schedule 1.