Pollution from industrial activities in England and Wales has been controlled to some extent for over 150 years. The Environmental Permitting (England and Wales) Regulations 2007 (The EPR) were introduced under the Pollution Prevention and Control Act 1999 and build on existing systems brought in by the Pollution and Control (England and Wales) Regulations 2000 (PPC) and Part I of the Environmental Protection Act 1990 (EPA).

Like the PPC Regulations, the EPR provides three linked systems of pollution control for certain specified industrial activities:

- **Integrated Pollution Prevention and Control (IPPC)**, which covers installations known as A(1) installations, which are regulated by the Environment Agency.
- **Local Authority Integrated Pollution Prevention and Control (LAIPPC)** which covers installations known as A(2) installations, which are regulated by local authorities.
- **Local Authority Pollution Prevention and Control (LAPPC)**, which covers installations known as Part B installations, also regulated by local authorities.

All three systems require the Operators of certain industrial and other installations to obtain an environmental permit to operate. Once an Operator has submitted a permit application, the Regulator then decides whether to issue a permit. If one is issued, it will include conditions aimed at reducing and preventing pollution to acceptable levels. A(1) installations are generally perceived to have a greater to potential to pollute the environment than an A(2) installation, and Part B installations would have the least potential to pollute.

An installation is a ‘technical unit’ where one or more industrial activities listed in Part 2 of Schedule 1 of the EPR are carried out. Where more than one activity is carried out in an installation, the installation will be permitted according to the ‘highest common denominator’ ie if Part A(1), A(2) and B activities were carried out at an installation, it would be permitted as an A(1) installation and therefore by the Environment Agency. If Part A(2) and Part B activities were carried out at an installation, it would be permitted as an A(2) installation and be regulated by the local authority.
Part A(1) and A(2) installations

The IPPC and LA-IPPC systems apply an integrated environmental approach to the regulation of certain industrial activities and are the means by which the Government has implemented the European Community Directive on Integrated Pollution Prevention and Control (96/61/EC) (IPPC Directive). The primary aim of the IPPC Directive is to ensure a high level of environmental protection and to prevent and where that is not practicable, to reduce emissions to acceptable levels. Separate legislative provisions are in place to implement the IPPC Directive in Scotland, Northern Ireland and the offshore oil and gas industries.

Regulators must set permit conditions that are based on the use of the ‘Best Available Techniques’ (BAT), which balances the cost to the operator against the benefits to the environment. Regulators are required to set permit conditions for pollution to air, land and water. The EPR also includes provisions relating to energy efficiency, site restoration, noise, odour, waste minimization, accident prevention and heat and vibrations, which were not covered by the previous regime. The EPR applies to a wide range of activities, including food and drink manufacturers, large scale intensive livestock production (pigs and poultry) and landfill.

Part B installations

Part B installations regulated under LAPPC, do not come under the scope of the IPPC directive, but as with A(1) and A(2) installations, Regulators must set permit conditions which are based on the use of ‘Best Available Techniques’ (BAT).

Part B permit conditions however generally only extend only to emissions to air. The transfer to EPR from the previous regime (PPC) will, in most cases, will essentially be an administrative one.

Main features of the local air pollution control system

The main features of LAPPC are as follows:
• Scheduled activities designated for local control must not be operated without a permit from the Regulator (the local authority) whose area they are located. The Regulator in whose area the operator has his principal place of business must permit mobile plant.

• Operators of scheduled activities must submit a detailed application for a permit to the Regulator.

• Regulators are statutorily obliged to include conditions in any permits they issue which are designed to ensure that the process is operated using the Best Available Techniques (BAT) to prevent and minimise emissions of prescribed substances.

• In addition to any specific conditions included in a permit, all permits implicitly impose a duty on the operator to use BAT for any aspect of the process that is not covered by the specific conditions. This is the so-called ‘residual’ BAT duty.

• Process Guidance Notes contain the Secretary of State’s views on what is BAT for each category of process. They are likely to be of interest to operators of prescribed processes as well as to Regulators. The PG notes can be viewed online http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/notes/pgnotes/index.htm

• Operators can appeal against refusal of an application, against the conditions included in a permit, and against the various forms of notice that may be served by the Regulator. Appeals will not put notices into abeyance, except in the case of revocation notices.

• Regulators can issue enforcement notices to ensure that appropriate standards of control are met, and raised in line with new techniques and new awareness of environmental risk. Suspension notices can be used to stop a process if there is an imminent risk of serious pollution of the environment.

• Regulators hold public registers containing details of all regulated facilities in its area. These must include details of applications, permits, notices, directions issued by the Secretary of State, appeal decisions, monitoring data, etc.

• Regulators must levy fees and charges in accordance with a scheme prescribed by the Secretary of State. The scheme is reviewed annually.
Application Procedure

The permit application process is outlined as follows:

Operator makes application

Is the application duly made? (Decide within 10 working days and inform applicant (para 6.2))

YES

Is commercial confidentiality requested? Make a decision within 20 working days (para 8.17)

NO

Application placed on public register (within 10 working days) and consult public consultees.

Public consultees informed of application and location etc of register and invited to make representations to specified address by specified date. This must be done within 30 working days of receipt of application.

Consider all responses, make site visit, request any additional information. (Serve notice re off-site conditions requiring consent of another person and allow 20 working days for representations.) It is good practice to show the operator the draft permit, with reasons, first.

Local authority makes final decision.

Issue permit, plus invoice for subsistence fee.

The applicant is notified of the determination and a copy of the permit is placed on the public register.

Operator may appeal against conditions.

Refuse permit, giving explanation.

Operator may appeal (chapter 30)

Either return with application fee or request further information.

Insufficient further information: application not duly made + fee.

If not accepted, inform applicant and wait 15 working days before placing on public register. Operator may appeal (para 18.20)

If accepted, place statement on public register that certain information has been withheld and state the reasons why.

Frequently Asked Questions

Q I’m not sure if I need an environmental permit. What do I do?

A You are strongly advised to contact the Council to discuss the nature of your business and the activities you undertake. It is an offence to operate a scheduled activity without the relevant permit. However, in most circumstances, the Council aims to help you to get a permit rather than to formally punish you for operating without one. Operator attitude and the extent of pollution caused (if any) are also factors considered when determining the appropriate action to take.

Q How much does it cost to apply for a permit?

A Fees are reviewed annually. Please contact us using the information provided at the back of this leaflet to obtain an up to date figure.

Q What is the procedure for obtaining a permit?

A A specific application form must be completed. The application form may be specific to the type of activity you require a permit for. Please contact the Council to determine which application forms you require.

Q What information is normally required as part of an application for a permit?

A The information required ultimately depends on the type of permit you are applying for, and how complicated your activity is. The following information is however generally required:

- Applicant details including the registered office and ultimate holding company.
- The installation address where the process is/will be carried out (including a grid reference).
- A detailed description of the activities carried out at the installation, including identification of any potential emission sources and how these will be controlled.
- A plan showing the location and extent of the installation.
- A plan showing the layout of activities on site and identifying any point emission sources.
- Details of any emission monitoring that has been carried out/is proposed.
• Copies of procedures and polices in relation to the environmental management of installation activities.

• Assessment of the potential significant local environment effects of the foreseeable emissions.

Q What types of process require Permits?

A The types of processes covered by the above legislation are many and varied. An overview of the activities is given below. However, please note that the list is not exhaustive and some consumption or throughput thresholds may apply:

COMBUSTION ACTIVITIES

• Burning any fuel (other than certain wastes) in large appliances.

• Burning any waste oil and other wastes in an appliance with a rated thermal input of less than 3 megawatts.

• Burning fuel manufactured from or including waste in any appliance with a net rated thermal input of 0.4 or more megawatts.

GASIFICATION, LIQUEFACTION AND REFINING ACTIVITIES

• Refining gas.

• Odorising natural gas or liquefied petroleum gas.

• Blending odorant for use with natural gas or liquefied petroleum gas.

• Certain petrol stations.

FERROUS METALS

• Producing pig iron or steel, including continuous casting, in a plant with a production capacity of more than 2.5 tonnes per hour.

• Operating hammers in a forge, the energy of which is more than 50 kilojoules per hammer, where the calorific power used is more than 20 megawatts.

• Applying protective fused metal coatings with an input of more than 2 tonnes of crude steel per hour.

• Casting ferrous metal at a foundry with a production capacity of more than 20 tonnes per day.

• Producing, melting or refining iron or steel or any ferrous alloy (other than producing pig iron or steel, including continuous casting).
• Desulphurising iron, steel or any ferrous alloy.
• Heating iron, steel or any ferrous alloy.
• Casting iron, steel or any ferrous alloy from deliveries of 50 or more tonnes of molten metal.

NON-FERROUS METALS
• Melting, including making alloys, of non-ferrous metals.
• The heating in a furnace or other appliance of any non-ferrous metal or nonferrous metal.
• Melting zinc or a zinc alloy in conjunction with a galvanising activity.
• Melting zinc, aluminium or magnesium or an alloy of one or more of these metals in conjunction with a die-casting activity.
• The separation of copper, aluminium, magnesium or zinc from mixed scrap by differential melting.

SURFACE TREATING METALS AND PLASTIC MATERIALS
• Certain surface treating metals and plastic materials.
• Surface treatment of metal producing acid-forming oxides of nitrogen.

PRODUCTION OF CEMENT AND LIME
• Grinding cement clinker.
• Grinding metallurgical slag.
• Storing, loading or unloading cement or cement clinker in bulk.
• Blending cement in bulk or using cement in bulk other than at a construction site.
• Slaking lime.
• Producing lime.

ACTIVITIES INVOLVING ASBESTOS
• The industrial finishing of certain asbestos containing materials.

MANUFACTURING GLASS AND GLASS FIBRE
• Glassworks where the melting capacity of more than 20 tonnes per day.
• Manufacturing lead glass.
• Manufacturing glass frit or enamel frit.
OTHER MINERAL ACTIVITIES

- Manufacturing cellulose fibre reinforced calcium silicate board using
  - unbleached pulp.
- Crushing bricks tiles and concrete.
- Screening crushed bricks tiles and concrete.
- Coating roadstone.
- Coal and coke crushing.
- The fusion of calcined bauxite for the production of artificial corundum.

CERAMIC PRODUCTION

- Brickworks.
- Firing clay goods or refractory materials (other than heavy clay goods) in a kiln.
- Vapour glazing earthenware or clay with salts.

ORGANIC CHEMICALS

- Di-isocyanate or partly polymerised di-isocyanate activities.
- Cutting polyurethane foams or polyurethane elastomers with heated wires.
- the polymerisation or co-polymerisation of 100 tonnes of any pre-formulated
  - resin or preformulated gel coat.

THE STORAGE OF CHEMICALS IN BULK

- The storage in tanks of: one or more acrylates, 20 tonnes (in aggregate); acrylonitrile, 20 tonnes; anhydrous ammonia, 100 tonnes; anhydrous hydrogen fluoride, 1 tonne; toluene di-isocyanate, 20 tonnes; vinyl chloride monomer, 20 tonnes; ethylene, 8,000 tonnes.

INCINERATION AND CO-INCINERATION OF WASTE

- The incineration of non-hazardous waste in an incineration plant with a capacity of less than 1 tonne per hour.
- The incineration of non-hazardous waste in a co-incineration plant.
• The incineration of animal carcasses in a plant, which is not an incineration plant or a coincineration plant, with a capacity of more than 10 tonnes per day but less than 1 tonne per hour.

• The incineration of non-hazardous waste in a plant having an aggregate capacity of 50 kilogrammes or more per hour but less than 1 tonne per hour.

• The cremation of human remains.

**TAR AND BITUMEN ACTIVITIES**

• Heating, but not distilling, tar or bitumen in connection with any manufacturing activity, or oxidising bitumen by blowing air through it.

**COATING ACTIVITIES, PRINTING AND TEXTILE TREATMENTS**

• Surface treating substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, in plant with a consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.

• Certain printing activities.

• Certain powder coating activities.

• Certain aircraft re-spraying activities.

• Certain road vehicle re-spraying activities.

• Certain railway vehicle re-spraying activities.

**THE MANUFACTURE OF DYESTUFFS, PRINTING INK AND COATING MATERIALS**

• Manufacturing or formulating printing ink or any other coating material containing, or involving the use of, an organic solvent.

• Manufacturing any powder for use as a coating material.

**TIMBER ACTIVITIES**

• Manufacturing products wholly or mainly of wood where 10,000 cubic metres is only sawed, or wood is sawed and subjected to excluded activities, or 1,000 cubic metres in any other case.

**ACTIVITIES INVOLVING RUBBER**

• The mixing, milling or blending of natural rubber, or synthetic organic.
• Elastomers, if carbon black is used.
• Converting products containing natural rubber, or synthetic organic elastomers, if carbon black is used into a finished product.

THE TREATMENT OF ANIMAL AND VEGETABLE MATTER AND FOOD INDUSTRIES
• Animal carcass or animal waste rendering.
• Processing, storing or drying dead animal or any vegetable matter.

SOLVENT EMISSION DIRECTIVE (SED) ACTIVITIES
• Heatset web offset printing greater than; 15 tonnes VOC.
• Publication rotogravure; 25 tonnes VOC.
• Other rotogravure, flexography, rotary screen printing, laminating or varnishing units; 15 tonnes.
• Rotary screen printing on textile/cardboard; 30 tonnes VOC
• Surface cleaning using certain risk phrase substances or preparations; 1 tonne VOC
• Other surface cleaning; 2 tonnes VOC.
• Coil coating; 25 tonnes VOC.
• Other coating activities, including metal, plastic; 5 tonnes VOC.
• Textile (except rotary screen printing on textile), fabric, film and paper coating
• Winding wire coating; 5 tonnes VOC.
• Coating activity applied to wooden surfaces; 15 tonnes VOC.
• Dry cleaning.
• Wood impregnation; 25 tonnes VOC.
• Coating activity applied to leather; 10 tonnes VOC.
• Footwear manufacture; 5 tonnes VOC.
• Wood and plastic lamination; 5 tonnes VOC.
• Adhesive coating; 5 tonnes VOC.
• Manufacture of coating preparations, varnishes, inks and adhesives; 100 tonnes VOC.
• Rubber conversion 15 tonnes VOC.
• Vegetable oil and animal fat extraction and vegetable oil refining activities 10 tonnes VOC.
• Manufacturing of pharmaceutical products; 50 tonnes VOC.

For more information about the EPR as it applies to the regulation of scheduled industrial activities, please contact us for further information.

Notes

For further information or advice please contact:
Environment Services
Maldon District Council
Princes Road, Maldon, Essex CM9 5DL

Tel: 01621 854477
Email: customer.services@maldon.gov.uk
Web: www.maldon.gov.uk

This document can be made available in large print, braille, audio and other languages on request.