



## LAPPC/LA-IPPC Advice Notes

### Complying with your Permit

*These notes are for guidance only and do not form part of the permit. The regulations referred to below are the Environmental Permitting Regulations 2010*

#### Introduction

The aim of this Advice Note is to give operators general advice on what they can do to comply with their Permit conditions

#### Advice & Guidance

It is recommended that each operator should at least be aware of the general requirements of the following legislation and as a minimum obtain a copy of the PG Note that relates to their Permitted Activity - activities.

- Pollution Prevention and Control Act 1999
- Environmental Permitting (England and Wales) Regulations 2010
- Process Guidance Notes (PG Notes) – part B installations
- Sector Guidance Notes (SG Notes) – A2 installations only
- AQ Notes
- General Guidance Manual on Policy and procedures for A2 and B Installations
- BREF Notes (EU Guidance)

You may be able to download the above guidance from the following websites:

- [www.defra.gov.uk](http://www.defra.gov.uk)
- [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)
- [www.envirowise.org](http://www.envirowise.org)
- [www.hms0.gov.uk](http://www.hms0.gov.uk)

It is very important Operators understand the requirements of their Permits. The Conditions attached to each Permit are taken from the statutory guidance (see above) which is freely available to all.

#### General Principles

The Local Authority Pollution Prevention & Control regime is concerned with preventing, or where this is not practicable, controlling and reducing/minimising emissions to the atmosphere from certain prescribed activities as outlined in Schedule 1 Part 2; Schedule 13 and 14 of the amended Regulations. This is achieved by the use of best available techniques (BAT) (Article 3 of the industrial emissions directive) for activities under Schedule 1 and by implement the Articles of the relevant Directive for schedule 13 and 14 activities.. This, together with a consideration of local circumstances, provides the main basis for setting emission limit values and operational controls.

## 1. BAT.

Article 3 of the IE directive states that:

### **BAT**

“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 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

“includes both technology used and the way in which the installation is designed built maintained operated and decommissioned.”

### Available

“means 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

“means most effective in achieving a high general level of protection of the environment as a whole.”

Article 14 states:

“the competent authority may set stricter permit conditions than those achievable by the use of the best available techniques as described in the BAT conclusions.”

Article 18 states:

“where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques additional measures shall be included in the permit without prejudice to other measures which may be taken to comply with environmental quality standards.”

Local authorities are obliged to have regard to any guidance issued by the Secretary of State when determining BAT. BAT for each installation should be assessed by reference to the appropriate guidance note (SG or PG note) and Bref reference documents. These guidance notes are the primary reference document for determining BAT in drawing up permits. In general terms what is BAT for one sector is likely to be BAT for a comparable activity. But in each case it is for local authorities (subject to appeal to the Secretary of State) to decide what is BAT for the individual activity and local authorities may take into account variable factors such as configuration, size and other individual characteristics of the installation in doing so.

An operator may not agree with a local authority's decision. The local authority should then decide whether to accept any arguments the operator may have made for not following the indicative requirements. Local authorities must be able to explain

any cases where they have permitted any deviation so that the permitting process remains open and transparent.

Sector specific guidance notes will be updated from time to time, including relevant BREF notes. However, operators and local authorities should take account of any new developments in techniques after a guidance note is published.

Where there is no domestic guidance available, operators and regulators should refer directly to the relevant BREF notes. This is also the case if a BREF has been updated but the domestic guidance has not. Where the BREF contains clear performance standards, an operator should again justify any proposed deviation from them.

If neither a BREF note nor domestic guidance has been published when an operator makes an application, operators and local authorities will have to assess BAT based on other sources of data, for example guidance from previous regulatory regimes.

Environmental plans, such as Local Environment Agency Plans (“LEAPs”) and local air quality management plans may also provide relevant information. Where there is concern or doubt about the sensitivity of the local environment, operators may want to contact the relevant local authorities, and possibly statutory consultees, to find out more about the location and nature of protected areas.

## **2. Health & Safety**

LAPPC does not remove the responsibilities that the operator has under the legislation for Health, Safety & Welfare in the workplace.

## **3. Process Guidance Notes**

Process Guidance Notes specify the date for compliance with specific clauses. To avoid confusion or contradiction those requirements are not repeated here but the operator is referred directly to that document and any subsequent Defra amendments or recommendations that may be issued.

## **4. Chimney Height Assessments**

The relevant document for the estimation of chimneys heights is the HMIP (Her Majesty’s Inspectorate of Pollution) Technical Guidance Note (Dispersion) D1 - Guidance on Discharge Stack Heights for Polluting Emissions (ISBN 0 11 752794 7) available from The Stationery Office. There is an excel spreadsheet available on the web which may assist operators in their determination of chimney height calculations.

## **5. General Procedure Guidance**

The following sections from the Secretary of State’s Guidance – LA-IPPC and LAPPC - Policy and Procedure for Permitting Installations have been covered by other advice notes which are available on the Council’s website.

Upgrading - Making changes to an Installation  
Transfer and Surrender of a Permit.  
Appeals.

## **7. Emission Monitoring**

Most if not all permits have clauses referring to emission monitoring whether in its simplest form that of observation through periodic stack monitoring to continuous emission monitoring.

All are covered by entries into the environmental logbook and where periodic stack monitoring is required there are the additional requirements of informing the local authority before hand with the methods of monitoring and analysis as well as submitting a report afterwards covering the monitoring.

## **8. Staff Training**

All permits contain specific requirements on training whereby the operator of the activity has to ensure that all staff that has a responsibility in the permit is trained in those duties and have knowledge of the permit.

## **9. Notification**

There are a number of conditions within permits that require the operator to notify the local authority – emission monitoring as mentioned above. Unintentional releases to atmosphere that may endanger the population must be notified to the local authority immediately.

A general rule of thumb would be; if not sure, by informing the local authority; they will be able to guide you.

Additionally minor activities, in particular small Waste Oil Burners, Dry Cleaners, Mobile Plant operators and vehicle refinishers now have a requirement to submit data annually to the local authority. The risk assessment for these activities relies heavy on this submission, non compliance will affect the risk rating and may affect the amount of subsistence payable annually.

## **Contact Details**

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