

Integrated Pollution Prevention and Control (IPPC) A guide for Primary Care Trusts and Local Health Boards Volume 1: Introduction to IPPC

Chemical Hazards and Poisons Division
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Executive summary

Consultation on applications made under the Integrated Pollution Prevention and Control (IPPC) and associated regimes covered by the Pollution Prevention Control (PPC) Regulations are both a responsibility and an opportunity for Primary Care Trusts (PCTs) and Local Health Boards (LHBs). As a statutory consultee, the National Health Service is formally involved in the process of environmental regulation and this process offers an opportunity to influence the management of the environment to minimise or prevent adverse health effects. This relationship between the regulatory and public health communities clearly puts public health at the heart of IPPC. It is an important responsibility with major implications for the public, consultee, Regulator and industry alike. As a result National Health Service input must be both appropriate and add value to the process. PCTs and LHBs are uniquely placed to offer expertise, information and interpretation not available to the Regulators.

To maximise the value of this resource, PCTs and LHBs need to recognise the limits of their competence and be able to assess the often weighty and highly complex material presented to them for comment. On occasions the sheer volume of demand or the particular complexity of specific applications will require a level of expertise not ordinarily available within a PCT or LHB. The National Health Service has responded by the development of a network of relationships with the Health Protection Agency, National Public Health Service of Wales, academic departments and others designed to meet local need.

The National Health Service cannot meet its obligations in isolation. A successful response is predicated by developing a robust relationship with the Regulator. This has potential beyond IPPC with increased mutual understanding of roles, responsibilities, resources and limitations and also the potential for further joint working. In addition, successfully responding to IPPC will help PCTs and LHBs meet other public health responsibilities.

The Regulator and industry are right to expect a consistent and reasoned response from the National Health Service. The public is also right to anticipate that the PCT or LHB will efficiently and effectively identify and respond to any public health issues. These will not invariably be negative. The fact that a process or proposal does not cause public health concern is very important to public confidence.

The guidance reflects a consensus between the key agencies and is offered by the Health Protection Agency as a key part of the support available to PCTs and LHBs. It aims to encourage a consistent and appropriate response to all types of IPPC applications and will be updated and amended as all partners in IPPC learn more about the process and each other.

About this guide

This Guide is produced by the Chemical Hazards and Poisons Division of the Health Protection Agency and aims to help the statutory consultees for health in England and Wales fulfill their responsibility under the Pollution Prevention and Control Regulations. It briefly describes the fundamentals of IPPC, sets out the reasons for the involvement of the National Health Service and recommends a basic framework for response.

Whilst the PPC Regulations cover three closely related pollution control regimes, this Guide focuses principally on IPPC. Those small industries that are regulated under Local Authority Pollution Prevention and Control have less capacity to pollute and do not take an integrated approach to environmental protection (only covering air pollution). However, many of the issues raised in this Guide may apply to such industries although a distinction is made between these industries and those regulated under IPPC.

The Guide is not intended to replace existing guidance on IPPC or explain the legal provisions of IPPC. It attempts to explain why PCTs and LHBs should respond and how this statutory consultee role fits in with their broader public health responsibilities. It also explains what the consultee can expect to see in an application from a health perspective and suggests strategies for response. However, it is not intended to be prescriptive and the range of industries covered under IPPC, and specific local concerns, make it impossible to identify every health issue that may need consideration. A consistent theme throughout is the need to manage this responsibility efficiently.

The majority of PCTs or LHBs will receive considerable support from other agencies in responding to IPPC. To reflect this, this guidance has been split into two distinct volumes. Volume 1 is aimed principally at the PCT or LHB and provides background to IPPC and explains the role and responsibilities of the statutory consultee role. Volume 2, is aimed principally at those people involved in the actual response, be it PCTs or LHBs, their consultants or a combination of both (in this section the terms PCTs or LHBs can be taken to include their consultants). This Volume sets out the core competencies needed to review IPPC applications, the basic elements of a response and suggests a format for the final response. It also includes relevant appendices and a glossary. There is also a summary of key points at the end of each section.

The Guide has been written after discussions with representatives from the National Health Service, Environment Agency, Local Authority and Health Protection Agency (HPA). The Guide also reflects experience and lessons learnt to date from the IPPC regime.

About Volume 1

This Volume is aimed at the Statutory Consultee and provides a background to IPPC and describes the fundamental role of the statutory consultee for health.

Specific information on how to respond, where to get advice and future issues is given in Volume 2. This volume also contains a glossary and all appendices.

Consultation Period:

The Guidance has already gone through a consultation process but this is intended to be a living document and as such will be updated to take into account any amendments to the PPC Regulations or changes to the consultation process. All comments are welcome and should be sent to:

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1 What is Integrated Pollution Prevention and Control?

1.1. Introduction

- 1.1.1 Integrated Pollution Prevention and Control (IPPC) is a regulatory system to ensure that particular industries take action to ensure "an integrated approach to pollution control" in order to achieve "a high level of protection for the environment as a whole" when considering both "routine" and "accidental" releases. It means that emissions to air, water (including discharges to sewer) and land, plus a range of other environmental effects, must be considered together (i.e. in an integrated manner).
- 1.1.2 The European Directive 96/61/EC, which came into force on 24 September 1996 introduced IPPC (EU, 1996) (<http://europa.eu.int/comm/environment/ippc/>). The IPPC Directive aims to minimise pollution from various point sources throughout the European Union and contained a new set of common rules on permitting emissions from industrial installations. Such uniformity across all Member States should ensure consistency and create "a level playing field" for all industries and Regulators.
- 1.1.3 In the UK, the IPPC regime has been established under the Pollution Prevention and Control (PPC) (England and Wales) Regulations 2000, (Statutory Instrument 2000/1973) as amended. The new IPPC regime expands the scope of the previous regulatory system, Integrated Pollution and Control (IPC), and introduces the need for health impacts from industrial emissions to be evaluated (DEFRA, 2002). The Pollution Prevention and Control Regulations actually cover three separate but closely linked pollution control systems which are described in more detail in Section 1.5 and in Figure 1. This guide is aimed principally at those installations regulated under the IPPC regime.
- 1.1.4 Operators of installations under IPPC have to apply for a permit from the Regulator (the Environment Agency or Local Authority) prior to operation in the case of new sites or within a specified time period in the case of existing sites. The applicant must consider all environmental and health impacts associated with emissions from the installation when preparing the application. This integrated approach does not just extend to the granting of a permit but throughout the lifetime of the operation.

1.2 IPPC and health

- 1.2.1 The protection of health is at the heart of IPPC. As noted the main aim of IPPC is to achieve "a high level of protection of the environment taken as a whole". This phrase is important as it includes human health.
- 1.2.2 Health is also evident in the various definitions of pollution used in the legislation covering IPPC. In the European Directive (96/61/EC) pollution is defined as releases to air, land or water "which may be harmful to human health". In the UK, the PPC Regulations require the consideration of potential health impacts to be wide-ranging and multifaceted and defines pollution as meaning:

“emissions 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.”

- 1.2.3 Within the PPC Regulations, a pollutant is taken to mean “any substance, vibration, heat or noise released as a result of such an emission which may have such an effect”. Substances are defined within the Regulations as “any chemical element and its compound and any biological entity or micro-organism”. This definition excludes radioactive substances and genetically modified organisms.
- 1.2.4 Therefore, IPPC should be seen as a regulatory system that is capable of achieving an integrated approach to protecting human health from pollution. It requires industry to prevent or minimise harmful emissions and environmental impacts resulting from its activities. This is done through the use of “Best Available Techniques” (BAT), which balances the costs to the operator against the benefits to the environment.

1.3 What is BAT?

- 1.3.1 BAT is defined in the PPC Regulations 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 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”.
- 1.3.2 BAT can be defined as:
- “Best”** – the most effective techniques for achieving a high level of protection of the environment as a whole.
 - “Available”** – techniques developed on a scale which allows them to be used in the relevant industrial sector, under economically and technically viable conditions, taking into account the costs and advantages.
 - “Techniques”** – includes both the technology and the way the installation is designed, built, maintained, operated and decommissioned.
- 1.3.3 A more precise definition of BAT and the consideration required to determine BAT can be found in Schedule 2 of the PPC Regulations.
- 1.3.4 The statutory consultee may come across the term “Indicative BAT”. This is where BAT for a particular sector is recommended by BAT Reference Documents (called BREFs) (<http://eippcb.jrc.es/pages/Boutline.htm>) and Environment Agency Sector Specific Guidance (<http://www.environment-agency.gov.uk/business/>). BREFs contain information that can help determine what is considered to be BAT, either in a general sense for a particular sector or for specific cases. They are produced by a number of Technical Working Groups, which consist of nominated experts from, among others, EU Member States, industry and non-

governmental organisations (NGOs). These experts provide information and data and also review the draft BREF documents.

- 1.3.5 The IPPC Directive and hence the PPC Regulations require pollution emission limits and other permit conditions for each installation to be based on the application of BAT, but taking also into account the technical characteristics of the installation concerned, its geographical location and local environmental conditions. However, if there is a need to meet a statutory environmental quality standard, such as an Air Quality Standard (see Appendix 5), the permit's requirements may go beyond indicative BAT.
- 1.3.6 BAT should always be in place but at the time of permitting it is possible that an existing installation does not match indicative sector BAT. However, BAT is installation-specific and departures from indicative BAT may be allowed by the Regulator providing the applicant can justify their use. In many cases, the Regulator may request an improvement programme as a condition of the permit and this may offset any concerns and problems that this may bring about.

1.4 When are permits required?

- 1.4.1 The legislation requires operators of certain types of prescribed activities to apply for a permit to operate on a site, known as an "installation" (see Glossary). New installations have to apply for a permit before they can operate, whilst existing installations currently regulated under the previous IPC regime and certain other installations not previously regulated also have to apply for a permit to continue operating.
- 1.4.2 Applications to operate under IPPC are phased in over a set timetable, which runs until to 2007. Details of this timetable can be found in Annex III of Defra's Practical Guide to IPPC (<http://www.defra.gov.uk/environment/ppc/ippcguide/>).
- 1.4.3 New installations have to apply for a permit before operating and therefore applications may be received for installations before the relevant sector dates as set out in the Regulations. For example, operators of existing Municipal Waste Incinerators are not required to submit an IPPC application until 1 January 2005. However, applications can be received at any time for new incinerators.
- 1.4.4 Furthermore, if a substantial change to an existing installation is expected, the operator is required to secure a PPC permit for the proposed changed part of the installation before the change is made

1.5 Who does the permitting?

- 1.5.1 The PPC Regulations establish three tiers of regulation. This replaces the previous two tier regime (A and B system) in IPC, where regime A controlled emissions to air, water and land from processes regulated by the Environment Agency and regime B controlled emissions to air from processes regulated by local authorities (see Figure 1).

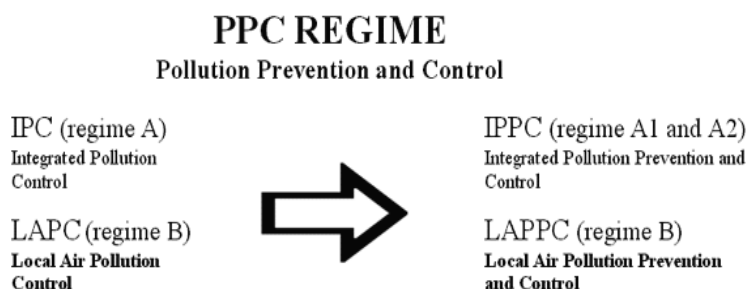


Figure 1. Illustration of the PPC Regime (taken from Defra, 2002).

1.5.2 There are three categories covered by the PPC Regime:

- category A(1) controlling the potentially more polluting larger installations' emissions to air, land and water regulated by the Environment Agency under the PPC Regulations.
- category A(2) covers the smaller installations' emissions to air, water and land, which have a lesser potential to pollute and are regulated by the relevant Local Authority under Local Authority Integrated Pollution Prevention and Control (LA-IPPC).
- category B regulates smaller installations of limited polluting potential, which are not subject to the whole of the IPPC regime. These are regulated by local authorities under Local Authority Pollution Prevention and Control regime (LAPPC) and are termed Part B installations.

1.5.3 This Guide is aimed principally at A(1) and A(2) industries which have a far greater capacity to pollute than Part B industries. Furthermore, installations coming under Local Authority regulation will be typically less polluting and less hazardous than A(1) installations. As a general rule, A(1) installations are potentially more polluting than A(2) which are potentially more polluting than Part B. However, every application should be considered on a case by case basis since the risk posed will depend on the type of industry, substances emitted and local issues such as location, topography etc.

1.5.4 The Environment Agency and Local Authority regulated IPPC regimes are parallel systems and all three require the operator to obtain a permit to operate. The IPPC/LA-IPPC systems require an integrated environmental approach where emissions to air, water, land and any other activities, which may have an environmental impact, must be considered together through a single permitting process.

1.5.5 Activities are designated A(1) or A(2) based on relevant listings in the PPC Regulations (see Glossary in Volume 2). In many cases the question of whether an activity is A(1) or A(2) will depend on its production capacity. It is the responsibility of the operator to determine the relevant production capacity of their activities and to ensure they operate under the correct regime.

- 1.5.6 Part B covers those installations that were previously regulated by local authorities under Local Air Pollution Control (LAPC). This regime was introduced under the Environmental Protection Act 1990 alongside IPC and focused on emissions to atmosphere. As a result, Part B installations will only address air pollution.
- 1.5.7 For new installations, applications will also have to obtain planning permission. For some applications, particularly specified waste management activities planning permission is required before a permit can be issued. For other activities it is not a requirement of the PPC Regime to have obtained planning permission before a permit application. However, the parallel submission of applications under planning and IPPC is strongly encouraged.
- 1.5.8 The Environment Agency takes two approaches to permitting new and existing installations. The majority of applications will be for existing industries and in order to handle the workload as efficiently and effectively as possible, the Environment Agency has set up groups to focus specifically on the re-permitting of existing installations. These groups are known as Strategic Permitting Groups (SPGs) and currently operate in the Environment Agency offices at Warrington, Nottingham and Bristol with a further one planned.
- 1.5.9 The SPGs receive applications directly and make the determination. Once determined the permit is passed to Area teams who are responsible for ensuring compliance with the permit and its conditions, undertake inspections and regulate the installation through to closure and the surrender of the permit. SPGs may ask Area teams to determine those applications felt to be contentious, except for landfills where SPGs will determine the permit in all cases, including contentious sites.
- 1.5.10 Applications for new installations are received and processed directly by Environment Agency Area teams. As a result SPGs are likely to run only until 2007.
- 1.5.11 It is difficult to identify the number of applications expected in England and Wales because new installations may apply at anytime. The Environment Agency expects to permit around 4500 A(1) installations by 2007. This will include the re-permitting of existing landfill sites, the re-permitting of existing industries and the permitting of sectors new to this form of environmental regulation e.g. the food, drink and intensive farming sectors. The majority of these applications will go through the PPC regime between 2004 and 2007.
- 1.5.12 Local Authorities will permit existing installations under A(2) installations and Part B installations by 2007 and are responsible for regulating the installation until its closure. They will also permit and regulate any new installations, which fall into either A(2) or Part B categories.
- 1.5.13 LAPPC covers around 17000 Part B installations that were previously regulated by local authorities under Local Air Pollution Control (LAPC). However, these installations are being brought into the PPC regime by a "deemed application" process. This is an administrative function that does not require consultation. Consultation will only be sought for new installations or where there are substantial changes to existing installations. Unlike IPPC the Part B regime covers emissions to air alone.

1.6 How is a permit determined?

- 1.6.1 Whether the Regulator is the Environment Agency or Local Authority, the same basic principles are applied to the IPPC determination procedure. The Regulations require that permits are only issued where, broadly, the Regulator is satisfied that the operator is applying BAT to ensure protection of the environment, and that the operation of the installation will not breach Environmental Quality Standards (EQS) such as National Air Quality Standards (see Appendix 5 in Volume 2).
- 1.6.2 As discussed earlier, the Regulations require measures to be taken to prevent or, where this is not practicable, to reduce emissions. Importantly, if emissions can be reduced further, or prevented altogether, at reasonable cost, then this should be done irrespective of whether any EQS are already or will be met.
- 1.6.3 In order to grant a permit, the Regulator must ensure that the following general principles are followed and set out in the application (DEFRA, 2002);
- All appropriate preventative measures are taken against pollution, in particular through application of BAT.
 - No significant pollution is caused or is likely to be caused.
 - Waste production is avoided and where waste is produced, is recovered. Where that is not possible it is disposed of in a way producing the least impact on the environment, if any impact is produced at all.
 - Energy is used efficiently.
 - Measures are in place to avoid accidents and limit their consequences.
 - Necessary measures are taken on the closure of an installation to avoid any pollution risk and return the site to a satisfactory condition.
- 1.6.4 In determining the application, the Regulator must be satisfied that the applicant has addressed the above points appropriately. It is therefore the **applicant's** responsibility to demonstrate that this is the case.
- 1.6.5 The phrase “significant pollution” is used throughout PPC legislation and sets the standard by which any decision is judged. However, there is no explicit definition of “significant” and its definition is therefore somewhat subjective. The effect of this wording is to give the Regulator some degree of freedom to make a judgment of significance. However, this judgement must be seen to be based on evidence and the Regulator must be seen to have acted reasonably. The Regulator may use a variety of criteria for determining significant emissions. These may include the use of screening tools to determine whether stack emissions exceed a threshold level or comparison of emissions with relevant EQS.

1.7 Statutory consultees

- 1.7.1 As part of the determination process, the Regulator is required to consult with a number of Statutory Consultees, involved because of their “specialist knowledge”. The aim of the consultation process is:

“to provide the Regulator with facts and views that it might not otherwise have, to help with its determination. Regulators must take into consideration any representations made by consultees during the allowed time periods. However, the Regulator can still take into account any representations after the formal deadline and as a matter of good practice should do so whenever they reasonably can (DEFRA, 2002).”

- 1.7.2 Statutory consultees should provide the Regulator with any advice they think would help the Regulator to determine the application or to set appropriate permit conditions. Once notified of an application, statutory consultees have 28 days to respond to an application. They should offer an independent view, which should be based on sound science and supported with appropriate data and information since their response will be placed on the public register. The Regulator’s decision can be challenged at appeal.
- 1.7.3 In determining an application or setting conditions in a permit the Regulator will take account of any advice relevant to the application provided by the statutory consultees. The Regulator cannot tell the consultees what to say in their responses and they are duty bound to consider the advice they receive from the consultee. However, it is the Regulator who makes the overall determination and the ultimate decision to permit is theirs alone. Consultees can and should offer a view on an application but they cannot control the outcome of the permit.
- 1.7.4 In England, Primary Care Trusts (PCTs), and Wales, Local Health Boards (LHBs), are statutory consultees for all PPC applications and substantial changes, including A(1), A(2) and Part B applications. As discussed earlier, it is important to understand the pollution potential of each category of installations. The response to an application for a Part A(2) permit is likely to require less detailed analysis than for A1 permit given the lower pollution risk to the environment (including human health). This is also likely to be reflected in the level of assessment contained within the application and any monitoring ultimately stipulated in the conditions of the permit. Part B installations present an even lower potential to pollute and a response to an application for Part B installation (other than to provide factual information about any local health sensitivities or to inform that there are none) would only be required in exceptional circumstances. Section 3 describes the role of the statutory consultee for health in more detail whilst Appendix 3 in Volume 2 lists of all the statutory consultees.

1.8 The determination period

- 1.8.1 The Regulator should determine a duly made application within four months of its submission (see Section 2.2.2 for details). This period includes consultation with statutory consultees.

- 1.8.2 If the Regulator takes longer than four months to determine an application without agreeing to an extension, the operator may treat this as a deemed refusal. In this case, the operator may appeal against the decision. If the operator chooses not to treat non-determination with four months as a deemed refusal, the determination period simply continues until a decision is reached.

1.9 Schedule 4 Notices and Permit Conditions

- 1.9.1 The Regulator may ask the operator to provide further information or data to support the application including information requested by the statutory consultee. Where further information is required to help determine the application the Regulator will serve a notice on the operator under Schedule 4, paragraph 4 of the PPC Regulations. This is called a Schedule 4 Notice and will be used to obtain information the Regulator believes is essential to determine a permit. If part of the Schedule 4 Notice relates to concerns raised by the statutory consultee for health, the consultee will expect to receive both a copy of the Notice and the operator's response for comment. However, the Regulator is not obliged to issue a Schedule 4 Notice addressing health concerns, particularly if the concerns are considered to be peripheral in the determination of the application. It is important therefore to discuss any immediate concerns with the regulator, prior to requesting information. Often the regulator is familiar with the site and can provide an immediate answer, thus obviating a delay in the determination process.
- 1.9.2 The Regulator should not determine the application until it is satisfied with the information supplied in the response to the Schedule 4 Notice. If the applicant has been unable to provide a satisfactory answer to a question in Schedule 4 Notice, the Regulator may choose to refuse the permit or deem the application withdrawn (DEFRA, 2002).
- 1.9.3 Where information is required does not require a Schedule 4 Notice, the Regulator may use permit conditions and early permit review to obtain such information or address outstanding concerns. This mechanism is widely used to address and can address many of the issues raised by the statutory consultees such as the need for further monitoring or assessment of emissions. Since permits will be regularly reviewed and assessed throughout the life of the installation the use of permit conditions allows the Regulator to bring industry into the PPC Regime whilst ensuring that necessary work, assessment or improvement will be undertaken.
- 1.9.4 Statutory consultees should be aware that IPPC applications may take longer than four months to determine and they may be reviewing information relating to an application for an extended period of time.

1.10 Public register

- 1.10.1 The PPC Regulations also provide for consultation with the public on all permit applications and this can allow people to bring local or wider issues or concerns to the Regulator's attention. The Regulator will place the application on the public register as soon as possible (less any information excluded on grounds of

national security or commercial confidentiality). Similarly all responses and correspondence from the statutory consultee will be placed on the public register.

- 1.10.2 The PPC Regulations require the operator to advertise the application in one or more local papers and in the London Gazette. This advertisement must be placed during a 28-day period and the application should be placed on the public register before the advertisement. The advertisement should include details of the operator (applicant), the address of the installation, proposed activities, where the public can examine the application, the procedure and timetable for making representations and how to make representations

1.11 What happens once a permit has been granted?

- 1.11.1 Once a permit has been granted, operators are responsible for monitoring emissions and providing the Regulator with sufficient data required to check compliance with the permit. The Regulator will also undertake independent monitoring and inspections of the installation to check compliance with the conditions of the permit, including any pollution emission limits. The results of these inspections will be publicly available.
- 1.11.2 Specific conditions may apply to individual installations that the Regulator considers appropriate to ensure a high level of protection to the environment as a whole. If the Regulator believes that the operator is failing to meet the conditions of a permit, they have a number of options available to them, including serving enforcement, suspension or a revocation notices (see Glossary). The operator may appeal against these notices to the Secretary of State.
- 1.11.3 Therefore, IPPC is not a “one-stop” process and statutory consultees and the public should be reassured that even after the permit has been granted, the installation will continue to be routinely assessed and the permit and its conditions reviewed.

1.12 Summary of key points

- IPPC is a system that aims to achieve a high level of protection for the environment (including human health) as a whole. PCTs should be assured that health is a key part of IPPC.
- Best Available Techniques (BAT) are the main tool used by industry and the Regulator to prevent or minimise harmful emissions and environmental impacts resulting from its activities.
- There is a set timetable for existing installations to apply for permits, although new installations can apply at any time.
- Permitting is not a one-stop process; permits will be routinely reviewed in light of performance.
- During the determination of a permit to operate, the Regulator will seek the views of a range of statutory consultees who are consulted because of their specialist knowledge.
- The Regulator's decision will take account of the views of the statutory consultee but ultimately it remains the Regulator's decision.
- The application, feedback from statutory consultees and all correspondence will be held on the public register.

2 Roles and responsibilities

2.1 The operator

- 2.1.1 The fundamental responsibility of the operator (applicant) is to provide sufficient information to enable the Regulator to determine the application and grant a permit. Operators are given guidance on how to complete their application and what constitutes BAT. Generic and sector specific guidance is available from the Environment Agency, including Technical Guidance documents for Part A(1) Installations (www.environment-agency.gov.uk), and also from DEFRA for Part A(2) and Part B Installations (www.defra.gov.uk/environment/ppc/ppc.htm) (Appendix 1 provides details of available guidance and information).
- 2.1.2 From a health perspective, the application should contain sufficient information and data to demonstrate that the operator is achieving, or will achieve, a high level of protection for the environment and human health. It is also the responsibility of the operator to demonstrate that significant pollution will not be, or has not been, caused. A typical application will consider a range of environmental issues including:
1. Satisfactory environmental management of the installation.
 2. Adequate compliance monitoring.
 3. Assessment of polluting releases during normal and abnormal operations.
 4. Compliance with environmental quality standards, other EU Directives and domestic regulations.
 5. Energy efficiency, waste minimisation and management.
 6. The prevention of accidents.
- 2.1.3 The above can be summarised by considering the operations on site: what is the risk of pollution being produced? What is the risk of that pollution leaving the site?
- 2.1.4 By reviewing such information, the statutory consultee should be able to offer a view on the potential health impact of the installation and its activities.
- 2.1.5 The operator is also responsible for providing answers to any questions that the Regulator may raise, often after consideration of the views of the statutory consultees. These questions are typically raised in a Schedule 4 notice.
- 2.1.6 The operator of Part A installations is also required to advertise the application in the London Gazette (the official newspaper of record in the United Kingdom where legal notices are published) and an appropriate local newspaper.
- 2.1.7 The operator also has an ongoing commitment to ensure compliance with the conditions of the permit for the lifetime of the operation.

2.2 The Regulator

- 2.2.1 The principal responsibility of the Regulator is to ensure that an installation will achieve a high level of environmental protection. This is done by preventing or reducing emissions and ensuring that significant pollution will not occur.
- 2.2.2 One of the first responsibilities of the Regulator is to ensure that all the necessary information is provided in the application so that it can be assessed as being “duly made”. Duly made simply means that the application form has been adequately completed. For example, an application will not be duly made if the incorrect application form has been used, has not been signed or does not include the necessary fee. The PCT or LHB will only receive an application for comment once it has gone through the duly made process.
- 2.2.3 It is important to appreciate that the “duly made” procedure is, at best, a screening exercise and is not a technical assessment of the application. As a result, it should not be assumed that a duly made application will necessarily contain sufficient information to demonstrate a high level of protection for human health. The actual determination of the application by the Regulator will only take place once the application has been duly made.
- 2.2.4 The key responsibilities of the Regulator are:
- To register the application on the relevant public register.
 - To send copies to all statutory consultees within 14 days of receiving an application.
 - To request missing or additional information through the service of a schedule 4 notice on the applicant.
 - To pass on to the statutory consultees any additional information received from the applicant.
 - To take account of the “ facts and views” provided by the statutory consultees.
 - To determine the application and attach conditions as appropriate to safeguard health and the environment.
 - To set permit conditions to achieve a high level of protection for the environment as a whole.
 - To ensure compliance with permit conditions.
 - To undertake routine inspection of the installation and ensure compliance with the conditions set in the permit.

2.3 Summary of key points

- It is the duty of the applicant (operator) to provide sufficient information to allow the Regulator to determine the permit.
- The applicant must demonstrate that they will achieve a high level of protection for the environment and human health.
- Statutory consultees will only receive an application once it has been “duly made” but this does not constitute a technical assessment.
- The Regulator has to send a copy of the application to the statutory consultee within 14 days of receiving an application.
- The Regulator must consider the views of the statutory consultee.
- Once permitted, the Regulator is responsible for ensuring compliance with the conditions of the permit and to routinely inspect the installation.

3 Role of the statutory consultee for health

3.1 Why have statutory consultees on health?

- 3.1.1 The statutory consultee role is a real opportunity for public health to influence the regulation of industry. This responsibility must be appropriately and effectively discharged and needs to be considered in the context of other public health responsibilities.

3.2 Who are the statutory consultees?

- 3.2.1 As described in Section 1, statutory consultees are an important part of the permitting process as they provide the Regulator with access to advice and expertise they may otherwise lack. The Government has taken the view that public health should be consulted when an operator makes an application for a permit to operate under the IPPC regime. This is a new responsibility. Initially Health Authorities were the statutory consultee but from October 2002 this responsibility was placed with the Primary Care Trusts (PCTs) in England and Local Health Boards (LHBs) in Wales.
- 3.2.2 PCTs and LHBs may also receive applications from the smaller industries covered under LAPPC although the majority of existing industries under this regime are being brought into the PPC regime by a “deemed application” process. This is an administrative function that does not require consultation. As a result, PCTs and LHBs will typically only receive applications from new processes or where there has been a substantial change in the process.
- 3.2.3 From a health perspective, the PCT or LHB should consider themselves to be the main source of health advice in the permitting process. They should not assume that the Regulator is an expert in public health issues or will be able to identify potential health impacts associated with an installation.

3.3 Basis of the consultee role

- 3.3.1 The role of PCTs and LHBs as statutory consultees is both an obligation and an opportunity. It is an obligation because the law requires the Regulator to include them as a statutory consultee and to consider their views. In terms of opportunity, this process is effectively the first time that the NHS public health community has been able to input formally to a regulatory system and, in the case of new processes, in anticipation of potential public health effects. Such active and formal collaboration with industry and regulatory agencies has been sought by public health for many years and is a **real** demonstration of both a political recognition of the link between the environment and health, and a commitment to address that relationship corporately. The commitment to achieve a cleaner and **healthier** environment is at the very heart of IPPC.
- 3.3.2 Whilst IPPC is the first statutory input from the NHS in environmental terms, much guidance and advice on developing this relationship has been published

(Department of Health, 1996; 1999). In addition, the involvement of PCTs and LHBs in IPPC fulfils a number of other broader public health commitments.

3.4 Consistency with broader public health responsibilities

- 3.4.1 Health Service Guidelines (HSGs) from the early 1990s have required the NHS to liaise with, and provide advice to, local authorities and other agencies on matters relating to chemical contamination of the environment (HSG (93)38). The NHS is also required to work in conjunction with the responsible bodies and agencies in dealing with health aspects of non-communicable environmental hazards (HSG (93)56) (NHS Management Executive, 1993).
- 3.4.2 IPPC is also consistent with strategic goal 2 of the HPA corporate plan, which requires the HPA to “anticipate and prevent the adverse health effects of acute and chronic exposure to chemicals, poisons and other environmental hazards.”
- 3.4.3 The 1996 UK National Environmental Health Action Plan also identified the need for effective mechanisms to aid the identification and assessment of environmentally determined health hazards (Department of Health, 1996). Similarly the White Paper, “Our Healthier Nation”, published in 1999, recognised the necessity for working across Government with local authorities and other agencies in tackling environmental issues (Department of Health, 1999).
- 3.4.4 Such policies and guidance are underpinned by an inherent understanding that the environment has an impact on public health. Most of the differences in communities’ health can be explained by age, gender, genetics and social factors such as deprivation and life style factors. However, much disease remains unexplained, some of which may be affected by environmental issues. In addition, individuals with underlying cardiac or respiratory disease or who are immunocompromised will be more vulnerable to the effects of pollutants. That said, large-scale environmental insults with major human health effects are a thing of the past and those installations subject to IPPC, if properly managed and regulated, should represent little or no risk. Consequently, one of the roles of the PCT will be to reassure the local community. This, in itself, is an important public health function. Community concerns about industrial processes and the effect of environmental chemicals have increased over the years and there is some evidence that nuisance is linked to expressions of ill-health (Kibble and Saunders, 2001). Responding appropriately to IPPC applications is a vital element in managing those concerns, as is being seen to do so effectively.
- 3.4.5 Whilst the quality of the environment is an important determinant of quality of life, under IPPC the PCT or LHB is concerned about the direct effects of the process, if any, on human health. This is an important focus and was a fundamental commitment in the framing of the legislation where the Government’s approach to pollution control was defined as aiming ‘to minimise the risk of harm to human health’ (This Common Inheritance, 1990). IPPC is not a vehicle for addressing broader social or political issues and PCTs and LHBs must consider their responses accordingly. However, the PCT and LHB are uniquely placed to offer advice on potential health effects and the vulnerability of local populations.
- 3.4.6 Responding effectively to IPPC requires an active relationship between the Regulator and consulted agencies. This relationship is an important bonus. It

enables organisations to better understand each other's responsibilities and limitations and reduces the potential for exaggerating, under-estimating or completely misinterpreting respective roles. In addition, these relationships can be used for other projects as the potential for further joint working is realised. Efficiency should also be improved with opportunities for sharing resources and avoiding duplication of effort.

- 3.4.7 The role of the PCT or LHB should not involve an unrealistic level of involvement or resource. Much of its response can be derived from its existing work which should be able to add considerable value to the consultee process e.g. surveillance data and intelligence on the vulnerability of local populations. However, applications can be extremely large, complex and contain much technical data that requires interpretation before a public health judgement can be made. Therefore it not surprising that most PCTs and LHB require some support in responding effectively. Even the ostensibly simple task of identifying a 'local' population can be complicated by operational, topographical and meteorological issues. It would not be efficient for every PCT or LHB to have such expertise "in-house" and most are supported by a regional or supra-regional resource. Further details on how to obtain support are given in Section 4 of this guidance.

3.5 Key roles and responsibilities

- 3.5.1 The overall responsibility of the statutory consultee for health is to offer a public health opinion of the installation, including a view on the likely health impacts of emissions and local health issues.
- 3.5.2 Key responsibilities should include:
- Advice on any particular local health problems that they consider relevant.
 - Consideration of the likely impact of releases and activities on human health (both acute and chronic).
 - To provide the necessary local focus for professional comment on health risk.
 - To be aware of the implied legal duty to make properly considered responses.
 - To collect and collate socio-demographic data in order to identify at risk groups in the community and advise the Regulator of specific risks to health associated with any vulnerable groups.
 - To place risk into context and differentiate between hazard and risk.
 - To communicate risk to the public in the context of other every day hazards.
 - To assist the Regulator in the formulation of permit conditions intended to safeguard health.
 - To conduct dialogue with other consultees in order to obtain a holistic public health view and avoid duplication of effort.

- To engage with the public in particularly controversial applications or in those cases where the installation is perceived as causing ill health.
- To consider conducting or collaborating in health studies where epidemiological data suggest that an adverse health effect could be associated with a particular process.

3.6 Summary of key points

- The statutory consultee role is both an obligation and an opportunity.
- This role is consistent with other broader public health responsibilities.
- The PCT or LHB should consider themselves to be the main source of health advice in the permitting process.
- This role is effectively the first time that the NHS public health community has been able to input formally to an industrial regulatory system and, in the case of new processes, in anticipation of potential public health effects.
- This is a **real** demonstration of the political recognition of the link between the environment and health

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