



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Review of the Council's Industrial Pollution Enforcement Policy
Date:	5th November, 2008
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Relevant Background Information

For a considerable number of years, local authorities have been charged with a general responsibility for the control of pollution from industrial processes. Prior to the introduction of the Industrial Pollution Control (NI) Order 1997 the Council on the whole undertook a reactive, rather than a controlled approach, using nuisance and similar powers.

The Industrial Pollution Control (NI) Order divided the enforcement responsibilities in Northern Ireland between the Industrial Pollution and Radiochemical Inspectorate (IPRI) of the Northern Ireland Environment Agency (NIEA) and district councils. In essence a three-tier system operates in respect of the industrial processes that this legislation aims to control, the top two tiers being the responsibility of the IPRI and the third being the responsibility of district councils.

The Industrial Pollution Control (NI) Order 1997 was subsequently replaced by the Pollution Prevention and Control Regulations (NI) 2003. This was done by a phased approach and was completed in 2007.

The effect of the above legislation is that designated industrial processes with a potential to pollute air, land or water are required to make application for a permit. The permit will impose conditions on the operation of the process to ensure a high level of protection of the environment.

To date some 83 premises in Belfast have been issued with such permits by the Council under the above legislation. These cover :- Petrol Stations, the Storage and Processing of Coal, the Storage and Handling of Cement, Timber Storage and Manufacture, Coating activities relating to cars, buses and trains and the Treatment of Animal and Vegetable Matter.

The Government has instigated the principle the 'polluter should pay'. The Council can therefore levy a charging scheme on the operators of the prescribed processes. The fees collected in the financial year 2007/8 exceeded £30,000.

In 2004 the Council adopted a general Enforcement Concordat similar to that published by the Cabinet Office and the Local Government Association in 1998. This dealt with all Environmental Health issues and all enforcement functions across the authority. In 2005 the Council considered that a more detailed Enforcement Policy specifically for Industrial Pollution Control was required.

The object of this enforcement policy was to detail for the operators of installations, the decision framework applicable in deciding which enforcement powers, if any, will be used to enforce the requirements of the legislation. It detailed the principles by which Belfast City Council sought to carry out its powers and duties under the legislation efficiently and effectively, and in a way which was open, clear and helpful to business and industry.

Key Issues

The original Industrial Pollution Enforcement Policy was written to cover that period when both sets of legislation were jointly in operation.

With the replacement (in a phased process up to 2007) of the Industrial Pollution Control (NI) Order 1997 by the Pollution Prevention and Control Regulations (NI) 2003 the current Industrial Pollution Enforcement Policy requires to be updated and amended.

The general ethos of the new document remains unchanged and the updated policy reflects the principles of the Concordat and the Government's approach to Better Regulation, making it clear to businesses that the Council is committed to providing an effective and fair service, in a consistent and proportionate way.

The new enforcement policy is attached.

Resource Implications

There are no new resource implications in relation to this report.

Recommendation

The Committee is asked to adopt the updated Enforcement Policy in relation to its Pollution Prevention Control function.

Key to Abbreviations

IPRI – Industrial Pollution and Radiochemical Inspectorate
NIEA – Northern Ireland Environment Agency

Document Attached

Enforcement Policy for Local Authority Air Pollution Control under the Pollution Prevention and Control Regulations (NI) 2003