

AGREED PROTOCOL

AIR POLLUTION

Roles and Responsibilities

The Environment Agency

The Environment Agency [hereafter referred to as 'the Agency'] has been established with the primary role of 'protecting and enhancing the environment in line with the government's overall commitment to sustainable development'. With regard to air pollution its primary responsibilities are to the enforcement of Integrated Pollution Control (IPC). More specifically the Agency is responsible for the regulation of prescribed industrial processes under Part 1 of the Environmental Protection Act 1990, as amended, and regulations made thereunder. The Agency is exclusively responsible for processes described as 'Part A' processes.

Local Authorities

Local Authorities [District, Metropolitan and Unitary] [hereafter referred to as LA's] have played a significant role in pollution control for many years. With regard to air pollution, LA's operate within a system known as Local Authority Air Pollution Control (LAAPC). Similar to IPC, but only dealing with emissions to air, LAAPC requires regulation of prescribed industrial processes as determined by the Environmental Protection Act 1990, as amended, and regulations made thereunder. LA's are responsible for 'Part B' processes under this regime. In addition, LA's are responsible for the enforcement of statutory nuisance legislation, domestic smoke control and other miscellaneous controls for emissions to air under the provision of the Clean Air Act 1993.

Shared

Although the Agency and LA's have legally defined areas of enforcement responsibility, there are nevertheless some broad policy and operational areas which overlap. Chiefly amongst these is the roles of each in securing improvements in air quality. LA's are given specific responsibilities under the Environment Act 1995 to evaluate local air quality and, if necessary, to declare an air quality management area. The Agency is required to contribute to the achievement targets laid down in the UK National Air Quality Strategy, and as such the Agency will need to work with the LA's to secure effective and coordinated action.

Co-operation Protocol

Information

The Agency and LA's will, individually, hold much information about local and national air quality. Where there are specific industrial processes being undertaken, information may also exist about process emission etc. Such information will normally include the exchange of lists of authorised processes; assessment of the contribution of industrial and non-industrial sources to air quality etc. Every effort should be made to share monitoring



and modelling data, where this exists, although a request for such data should not imply any requirement or duty to collect such data, where its collection is not normally carried out.

Consultation

The Agency and LA's require a productive working relationship. With due regard to the delineations of statutory function, it is expected that each body will consult with the other, as a matter of course, on any issue which effects the operation or responsibilities of the other. The obligation to consult should be seen as mandatory, even where no actual statutory obligation exists. Particular reference is made to effective consultation arrangements with regard to land use planning, in due consideration of the effects of the planning process on air quality, and to the authorisation mechanism for industrial processes. It is deemed particularly important to establish close consultation on the establishment of air quality management areas, especially when determining geographical limits.

Implementation

Air Pollution presents many challenges in the UK at all levels of government. At local level, officer to officer contact should be conducted in a spirit of mutual understanding, but with due and careful regard to the limits of statutory responsibility. LA's and the Agency are expected to establish clear lines of communication for staff in both organisations, and to have specific and local arrangements for contact, especially with regard to emergency and other 'out of hours' issues. It is anticipated that to fulfil statutory obligations under the Environment Act 1995, and guidance made thereunder, and within the framework of the UK National Air Quality Strategy, LA's will normally need to establish a suitable Technical Steering Group. Such a group, comprised of LA staff and Agency staff, would serve to identify factors affecting air quality in the local area; to generate and evaluate options for air quality enhancement and therefore to inform decision making by both LA's and the Agency. It may be deemed appropriate to jointly publish environmental information or action plans where such publications would contribute to greater public awareness of air pollution issues.

Signed for the Environment Agency

Chief Executive



ENVIRONMENT AGENCY

Signed for the Local Government Association

Chair of the W
Management Co

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