

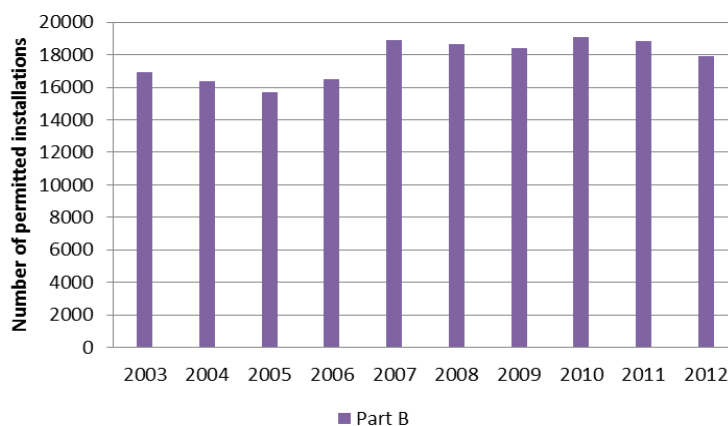
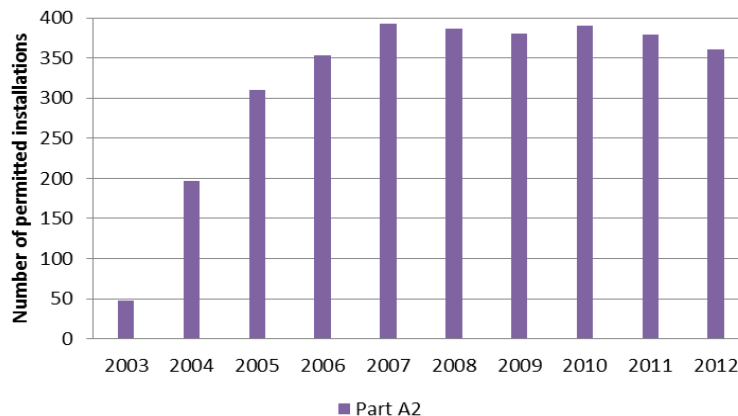


Department
for Environment
Food & Rural Affairs

Department for Environment, Food and Rural Affairs

STATISTICAL RELEASE: 25 June 2014

- There were 361 permitted **Part A2 installations** in England and Wales at the end of 2012/2013, 32 fewer than the 10 year peak in 2007/8 (Part A2 graph).
- There was a long term decline in new applications for A2 permits.
- There were 17,930 permitted **Part B installations** in England and Wales in 2012/2013, 983 (5.2%) fewer than the 10 year peak in 2007/8 after the introduction of dry cleaners to the solvent sector (Part B graph).
- There has been a steady decline in new applications for Part B permits since the peak in 2006 due to the surge for new applications for dry cleaners.



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1 About the Local Pollution Control Statistical Survey

1.1 Background

To reduce the risk of harm to the environment and human health, regulations are made and maintained to control industrial emissions. These regulations are largely driven by obligations under negotiated EU legislation. These include the [Environmental Permitting \(England and Wales\) Regulations 2010](#) (the EP regulations) which set out the main laws for [regulating industrial emissions](#).

The EP regulations provide industry, regulators and others with a single extended permitting and compliance system, called the Environmental Permitting System. The Regulations specify which facilities require an environmental permit and allow for some facilities to be classified as exempt from those requirements providing general rules are laid down for each type of exempt activity. This allows regulators to concentrate resources on medium and high-risk operations whilst continuing to protect the environment and human health.

The EP regulations have produced a single regulatory framework by streamlining and integrating:

- waste management licensing
- pollution prevention and control
- water discharge consenting
- groundwater authorisations
- radioactive substances regulation

More polluting and complex industries (requiring part “A1” Permits), e.g. power stations are regulated by the Environment Agency, while small industries (requiring part “A2” or “B” Permits), are regulated by local authorities.

The regulation of small industries by local authorities helps to reduce any pollution they may cause and, in particular, helps to improve air quality. Air pollution harms our health and wellbeing and also damages biodiversity, reduces crop yields and contributes to climate change. Local authorities are responsible for regulating about 19,000 industrial facilities, mostly to control air emissions (Part Bs), but also to enforce integrated pollution prevention and control for around 360 Part A2s. The terms Part B and A2 refer to different sections of Part 2 of Schedule 1 to the the EP regulations in which industrial activities are defined. For more information see the Governments web page on Protecting and Enhancing the Environment. <https://www.gov.uk/government/policies/protecting-and-enhancing-our-urban-and-natural-environment-to-improve-public-health-and-wellbeing>

A local authority’s regulatory role encompasses: (I) the initial authorisation or “*permitting*” of processes; (II) the inspection of operational installations; and (III) the prosecution of operators in those cases where processes fail to comply with regulations. Defra’s Local Pollution Control Statistical Survey (LPCSS) provides quantitative insight into each of these aspects of local authorities’ regulatory roles.

(I) Permitting of processes

A **permit** allows you to carry on various activities which may have an impact on the environment and human health and says what restrictions there are to minimise damage to the environment and human health. Many activities that can cause pollution are prohibited unless authorised by a permit. When either the Environment Agency or a local authority gives someone an environmental permit, they are allowing that person to carry on an activity with certain conditions. The permit gives clear instructions on how the environment must be protected from this activity.

The Regulations specify which facilities require an environmental permit and provide that some facilities can be exempt from those requirements providing general rules are laid down for each type of exempt activity, and the operation is registered with the relevant registration authority. Exemptions provide a lighter touch form of regulation for small scale low risk waste operations and aim to encourage waste recycling and recovery. The facilities that require a permit are described collectively as ‘regulated facilities’. There are seven different kinds of regulated facility and each is known as a ‘class’ of regulated facility: an installation, a mobile plant, a waste operation, a mining waste operation, a radioactive substances activity, a water discharge activity, a groundwater activity, a small waste incineration plant and a solvent emission activity. An “**installation**” means a stationary technical unit where one or more activities listed in Schedule 1 to the EP Regulations are carried on, and any other location on the same site where any other directly associated activities are carried on.

Where a facility needs a permit the operator will need to apply for a permit, which will be assessed by a regulator who must decide whether to grant or refuse the proposal in an **application** and, where applicable, what permit conditions to impose. For all applications made under the Regulations, the regulator must ensure that its determination delivers the relevant Directive and other requirements and provides the required level of protection to the environment.

(II) The inspection of operational installations

Inspections are carried out to assess an application, ascertain compliance with permit conditions, to check process changes, and in response to complaints and can also provide an opportunity for authorities to provide advice on wider environmental issues. The benefits of physical inspection of premises are that it can reveal operational and practical compliance issues which monitoring data alone will not show. Annual inspection frequency, like the permitting charges, take account of risk. Risk-based inspection methodologies were introduced for Part Bs in 2003 and for A2s in 2005. The methodologies factor in the environmental impact of each installation and the operator performance. Lower risk installations are expected to need fewer inspections. Regulators will also normally want to undertake an inspection visit in response to a complaint, if they receive monitoring data showing a breach or near-breach of conditions, or if they receive a report from the operator of abnormal operation.

(III) The prosecution of operators

Where an operator has contravened a permit condition, and both the condition and contravention are clear, the regulator may **prosecute** if enforcement notices and verbal and written warnings, making clear that continued breach of the condition could result in prosecution, have proved to be ineffective.

1.1.1 Part A2 Regulation

Emissions from a wide range of industrial activities are regulated mainly through a framework currently set out in the Environmental Permitting (England and Wales) Regulations 2010 (“EPR”). Details of EPR can be found on [Defra’s Environmental Permitting page](#).

Part A2 activities are part of a regime known as “Local Authority Integrated Pollution Prevention and Control” (LA-IPPC). Premises permitted under this regime are known as Part A2 installations and the processes that they carry out are permitted Part A2 activities. IPPC aims to make sure that particular industries consider the environment as a whole. LA-IPPC is designed to look at many environmental impacts and to control air, land and water pollution from A1 and A2 activities. The industries concerned are required to assess their use of resources including energy and their generation of waste with a view to the best environmental option. Part A2 activities are regulated by local authorities who will inspect an installation to ensure that it is complying with the conditions of the environmental permit.

Examples of these are large glass factories and sites that use large quantities of solvents.

Part A1 activities are regulated by the Environmental Agency, which is concerned with the more polluting and complex industries, e.g. power stations. Enquiries about A1 activities should be made to the Environment Agency.

1.1.2 Part B Regulation

Part B activities are part of a regime known as “Local Authority Pollution Prevention and Control” (LAPPC). Premises permitted under this regime are known as Part B installations and the processes that they carry out are permitted Part B activities. Part B activities have less pollution potential than Part A1 and A2 activities and include such processes as vehicle re-spraying, furniture manufacture and unloading of petrol at petrol stations. The LAPPC system deals only with emissions to air. Part B activities are regulated by local authorities who will inspect the installation to ensure that it is complying with the conditions of the environmental permit.

2 Permitted installations

There were 361 permitted A2 installations in England and Wales at the end of 2012/2013, 7 fewer than at the end of 2011/2012 and 32 fewer than the 10 year peak in 2007/8. There were 17,930 permitted Part B installations throughout England and Wales in 2012/2013. This figure represents a small (1.7%) decrease from the corresponding figure (18,236) in last year's survey and a 5.2% drop from the 18,913 level recorded in 2007/8 after the introduction of dry cleaners to the solvent sector.

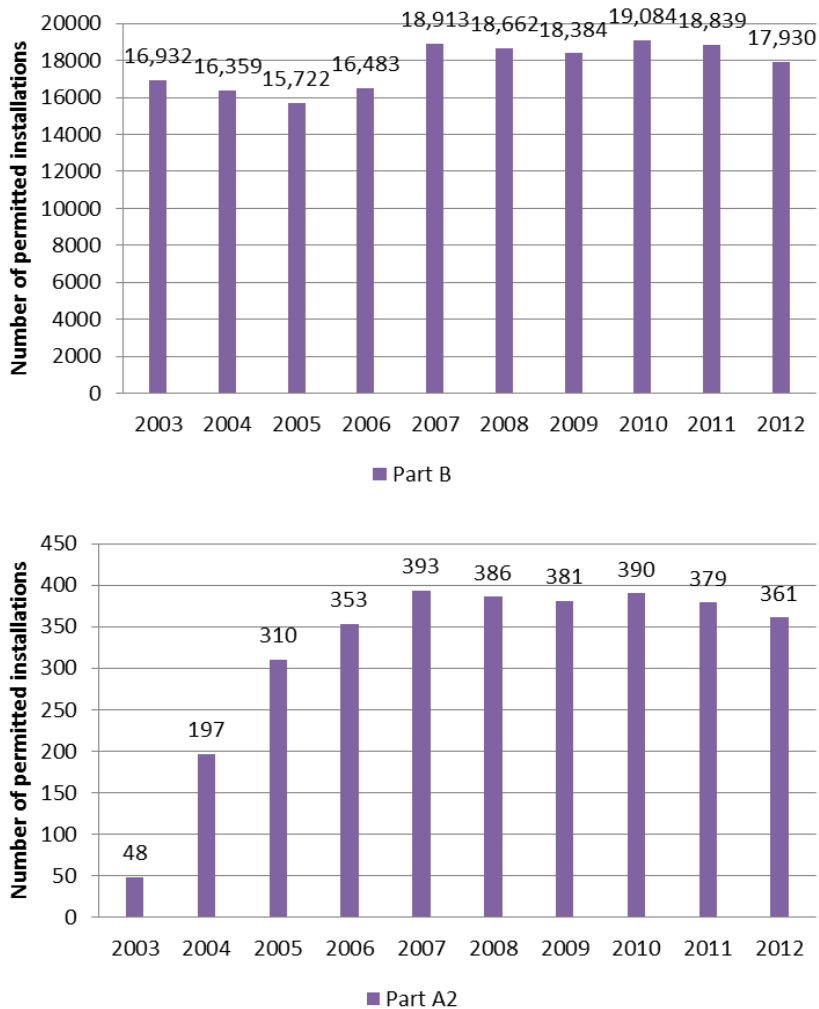


Figure 2.1: Number of permitted installations for Part A2 and Part B installations, by year.

3 Applications and decisions

In 2012/2013, authorities across England & Wales received six applications for A2 permits. In 2011/2012, they received nine applications; in 2010/2011 they received fourteen. In addition to these new applications, authorities had nine applications on hand at the beginning of 2012/2013. None of these applications were withdrawn but eight decisions were made on applications during 2012/2013. The number of decisions (8) is the same as last year but one less than the nine made in 2010/2011. The time taken to make a decision is defined as the time from an application being received to a permit being granted. Three of this year's decisions were made in less than six months; the remaining five took over nine months. Seven applications were still on hand at 31st March 2013.

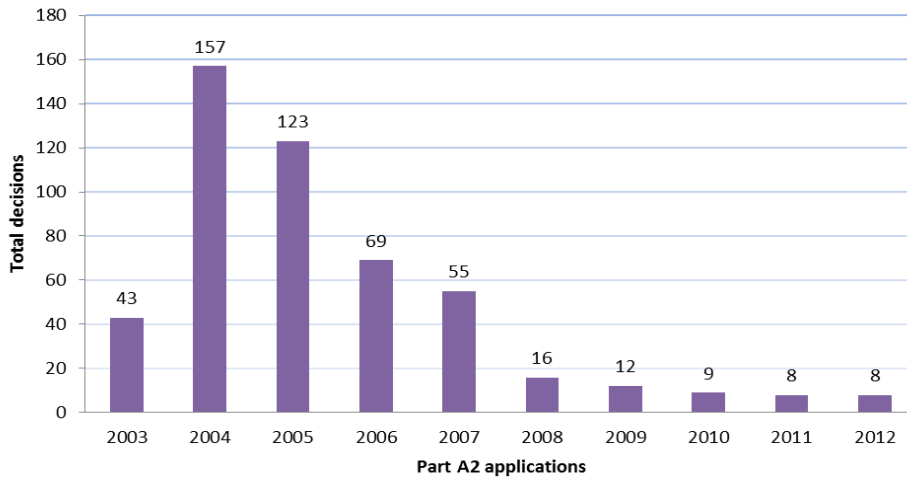


Figure 3.1: Decisions made on applications for Part A2 installations, by year.

The numbers of Part B applications decided on in 2012/2013 continued the downward trend seen in recent years after growing steadily to a peak of 722 in 2009 and then declining (discounting the surge in applications for dry cleaners in the years 2006 and 2007). Authorities across England & Wales decided on 424 total applications for new B installations in 2012/2013, a 26% reduction from the 581 applications decided on during the previous year and a 33% reduction from the 648 decided on in 2010/2011. Non-reduced fee Part B installations accounted for 171 applications in 2012.

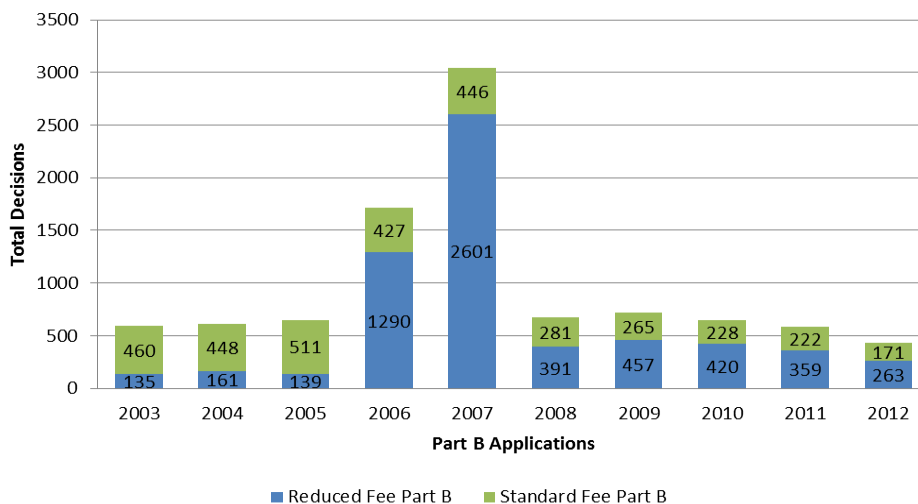


Figure 3.2: Decisions made on applications for Part B installations, by year.

The number of applications that authorities had on hand at the end of 31st March 2013 (viz. 133) was 5% above last year's figure of 127 but 11% lower than the 149 reported in 2010/2011. This year's figure marks a reverse in the downward trend seen in recent years. During 2012/2013, authorities made 263 decisions for the (reduced fees) categories of waste oil burners (<0.4MW), service stations, dry cleaners and vehicle refinishing¹. 75% of these applications were decided in under two months, This reflects a steady improvement since the 33% figure decided within 2 months for 2007. 18% were decided in two to four months, while the remaining 7% took over four months to decide. The welcome fall in the number of decisions taking more than 4 months has been irregular with a peak in 2004 (57%) and 2007 (61%).

4 Inspections and assessments

4.1 Inspections – Part A2

There were 36 inspections carried out in respect of 8 applications for new A2 permits, equating to 4.5 per application decided upon.

A total of 1003 inspections were carried out in 2012/13 after a permit had been granted: 580 (58%) of these were for routine or programmed inspections; 382 (38%) were in response to complaints and 41 (4%) were for other reasons. The 1003 inspections (not in connection with applications) conducted at the 361 permitted installations gives an average of 2.8 inspections per installation, a lower rate than that reported in last year's survey, viz. 3.2 inspections per installation.

In total, 353 installations had been risk assessed and 8% of these were assessed as high risk, 37% were medium risk and the remainder (56%) were low risk. The corresponding figures last year were 11% (high), 38% (medium) and 51% (low). As seen in figure 4.1, most of the inspections were done on the high risk installations. 35 of the 1003 inspections carried out in 2012/13 were at installations which had not yet been risk assessed so are not included in the graph below.

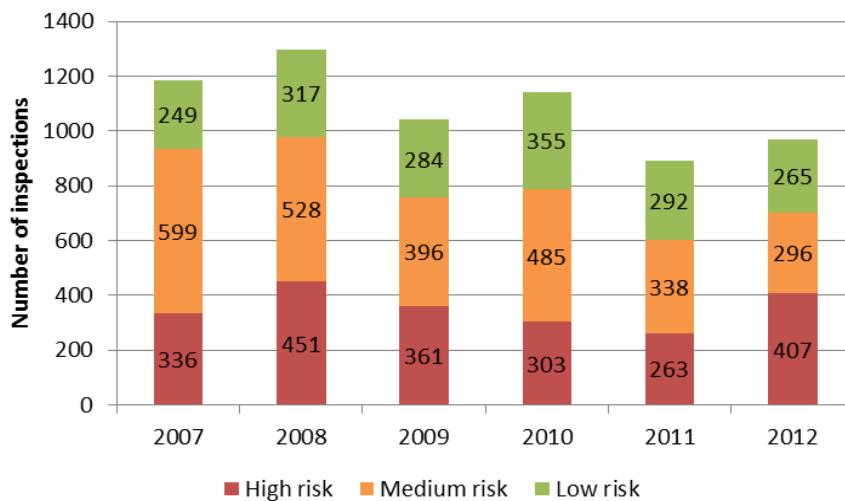


Figure 4.1: Number of inspections of risk-assessed Part A2 installations, broken down by risk assessment (i.e. high risk, medium risk, low risk assessed)

¹ Paragraph 15 of Part 1 of Schedule 5 to the EP Regulations requires that applications should be determined within 4 months of their submission, or 2 months if no public participation is required.

To explain this at a more detailed level, extra resources are concentrated on medium and high-risk operations whilst continuing the basic full inspection on facilities assessed as low risk. The proportion of extra inspections was significantly higher for high risk installations: 81% of the inspections done at high risk installations in 2012 were extra, compared to 11% for the total medium risk inspections and 9% for the total low risk inspections.

4.2 Inspections – Part B

Before the 2010/2011 survey, the LPCSS asked authorities to account separately for

- the numbers of applications that they had received for new installations and
- the number of inspections carried out in support of these applications.

At the same time, authorities were asked to distinguish between

- applications for new installations under Part B and
- applications for substantial changes to existing installations under Part B.

The pre-2010/2011 surveys then reported on the ratio of total (i.e. both new and substantial change) inspections to total applications. Since the 2010/2011 survey, Defra has continued to collect data separately for the number of inspections carried out in support of both types of application; however, the Department no longer asks authorities to specify the number of applications received for substantial changes to existing installations. With only the number of applications for new installations available, this report quotes the ratio of

- the number of inspections carried out in support of applications for new installations to
- the number of applications for new installations.

Given this difference in definition of the inspection rate, the reader is discouraged from comparing the 2010/2011 or 2011/2012 figures with those of previous years.

In 2012/2013, authorities carried out an average of 1.32 inspections on a new installation prior to a decision being made. The average number of inspections per permitted, full fee installation (i.e. excluding waste oil burners (<0.4MW), service stations, dry cleaning and vehicle refinishing) decreased again this year to 1.22; it was 1.31 last year and 1.34 in 2010/2011. This inspection rate has fallen steadily since the introduction of risk-based assessments for Part B installations in 2003. The average number of inspections for reduced fee activities (i.e. waste oil burners (<0.4MW), service stations, dry cleaning and vehicle refinishing) was 0.54; this rate lies between last year's figure of 0.58 and the corresponding figure of 0.52 in 2010/2011.

For inspections not in connection with applications, the majority (71%) of inspections last between half an hour and two hours. No Ceramics (Reduced) installations and no Bulk Chemicals installations required inspections over two hours. Conversely, storage at terminals, glass and cremation had the highest proportion (between 40% and 45%) of inspections lasting longer than two hours.

4.3 Risk Assessment Part B

Part B Installations are classified into three groups:

- Group I – Standard installations (Neither reduced fee nor Mobile Plant)
- Group II – General reduced fee activities other than those listed in Group III and mobile plant
- Group III – Simplest reduced fee activities (small waste oil burners, dry cleaners, petrol stations (PVRI and II))

266 authorities reported that they had risk assessed all of their installations during 2011/2012.

In total, 16,716 installations had been risk assessed by the end of 2012/2013, representing 93.2% of permitted installations; in 2011/2012, the corresponding figure was 94.3%.

Amongst risk-assessed installations in 2012/2013, 25% (4,190) were standard installations (Group I), 12% (2,066) were general reduced fee activities or mobile plant (Group II), while the remaining 63% (10,460) were other reduced fee activities (Group III). The annual inspection frequency for all installations is dependent their risk categories. Other than reduced fee activities, high risk all A2 and Part B installations require 2 full and 1 check, medium risk 1 and 1 check, and low risk 1 full inspection. For all risk categories extra inspections may be needed in response to complaints, adverse monitoring results etc. As seen in figure 4.3., most of the inspections were done on low risk installations. This is not surprising as high risk part B operations require less extra inspections compared to high risk part A2 operations and the majority of the installations being in group I or II (medium or low risk).

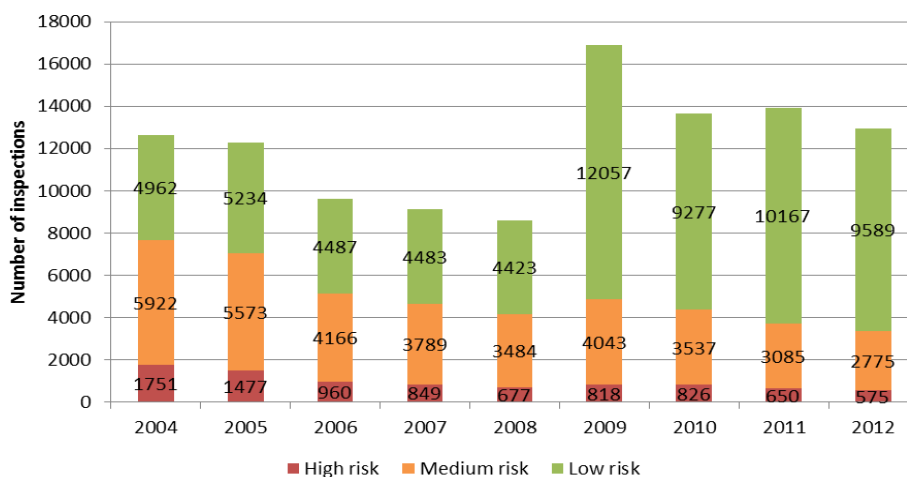


Figure 4.3: Number of inspections of risk-assessed Part B installations, broken down by risk assessment (i.e. high risk, medium risk, low risk assessed)

4.4 Inspections Part B – Risk-based Data

Authorities carried out a total of 12,939 inspections on risk-assessed Part B installations this year. Of these 10,770 were full inspections, 1,534 were check inspections and the remaining 635 were extra inspections.

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2003 to 2013

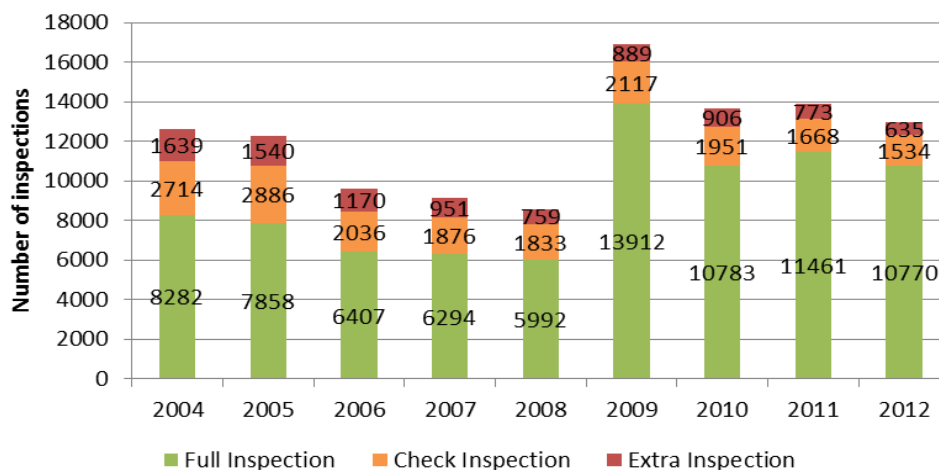


Figure 4.1: Number of inspections on risk-assessed Part B installations by year.

Defra and the Welsh Government [guidance](#) stipulates that a high-risk, standard (i.e. Group I) installation should receive two full inspections and one check inspection per year, while all other groups (i.e. Groups II and III) of high risk installation should receive one full inspection and one check inspection per year. A medium risk group I installation should receive one full and one check inspection per year; all other medium risk installations should receive one full inspection per year. The inspection frequency for a low-risk installation also depends on the group, with standard (Group I) installations requiring one full inspection per year, Group II installations requiring one full inspection every two years and Group III installations requiring one full inspection every three years. The inspection performance cannot be assessed for low-risk installations in Groups II and III as there is no fixed number of inspections required in any specific year.

For standard (Group I) installations of all risk categories, 19% of authorities carried out more full inspections than were required – a decrease from last year when the corresponding figure was 20%, 112 authorities carried out fewer full inspections on Group I installations than required, compared to 118 last year. The proportion of authorities that carried out more check inspections than required on Group I installations in 2012/2013 is 20%, slightly less than the corresponding fraction (21%) last year, while the proportion of authorities carrying out fewer check inspections than required has risen to 33% this year, compared to 32% in 2011/2012.

For group II installations assessed as high or medium risk, 11% of authorities carried out more full inspections than required, 23% conducted more check inspections than required, while 23% conducted fewer full inspections than required and 8% conducted fewer check inspections than required.

For group III installations assessed as high or medium risk, 6% of authorities carried out more full inspections than required, 10% conducted more check inspections than required, while 38% conducted fewer full inspections than required and 22% conducted fewer check inspections than required.

Overall, 39% of authorities carried out fewer full inspections than required. Of these 131 authorities, 60% provided a reason for the shortfall. Amongst those authorities that completed less than 80% of their expected full inspections, the most frequent explanations involved:

- Organisational issues, such as lack of staff, staff on maternity leave or off sick, departmental restructuring;
- Problems with operators, e.g. companies going out of business, in receivership or general communications problems:

- Processes mothballed or not working for some other reason; and
- Mobile equipment being out of area.

Only one authority had carried out no risk assessments in the reporting year.

4.5 Monitoring (Table 17, Annex A)

Data is collected in only two groupings: standard installations, and reduced fee activities (not for mobile plant as they are not permanent fixtures). 31% of the 5,649 standard installations provided monitoring information, with the data from 20.7% of these requiring more than two hours to examine. Among the remaining 12,281 reduced fee activities, 25% provided monitoring information, with authorities having to spend more than two hours examining the monitoring data from just 7.3% of them.

5 Notices and Prosecutions

There were 39 notices (excluding revocations) issued to A2 installations during 2012/2013, compared to 42 last year and 46 in 2010/2011. There was an increase in the number of variations, from 36 in 2011/2012 to 59 in 2012/2013. There were 5 enforcement notices issued in 2012/2013, compared to the previous year.

Authorities across England & Wales served 1,337 notices (excluding revocations) on Part B installations in 2012/2013, a decrease of 9% from the corresponding figure of 1,469 in 2011/2012.

During 2012/2013, seven prosecutions were reported and six formal cautions were issued. As of 31st March 2013, there were three prosecutions pending, while three prosecutions had been successful; a further prosecution had been withdrawn. The successful prosecutions had fines totalling £18,948; the largest being for £10,934. This is a decrease from last year's figure of £66,276 for total fines; in 2010/2011 the corresponding total fines figure was £81,161.

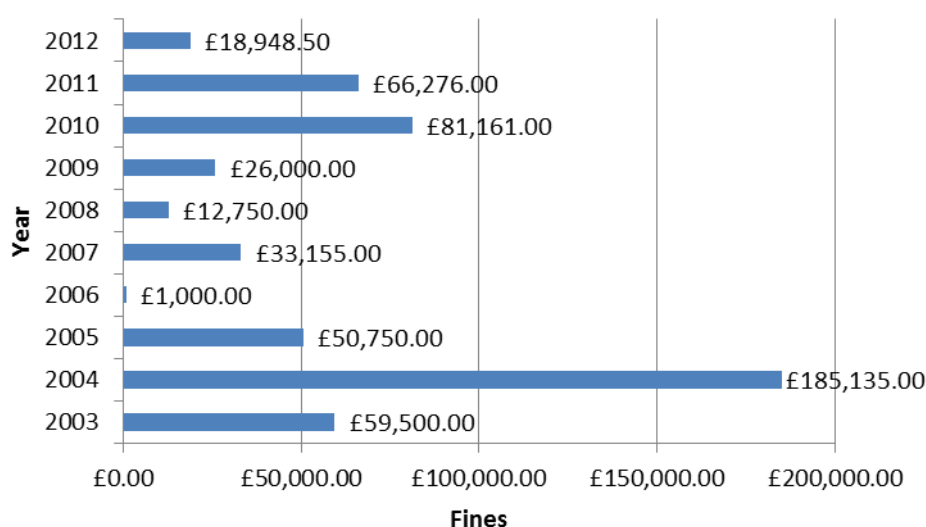


Figure 4.3: Total fines on successfully prosecuted installations by year.

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Main notes

1. Changes to *this* year's survey:
The bulk of this year's survey questionnaire is the same as that used in previous years. The main differences are as follows:
 - A. this year's survey re-introduces a detailed breakdown of Part B and A2 permits by installations type; and
 - B. the survey no longer collects information on the number of Part B permits surrendered or; revoked .
2. Response rate (Table 24, Annex A)
Defra asked all three hundred and fifty seven (357) local authorities and port health authorities in England and Wales to take part in the survey. The Department received a completed questionnaire from all but four authorities: Falmouth & Truro PHA; Kettering; Kingston upon Thames; and Wolverhampton. All four authorities had submitted a completed questionnaire in the previous year's survey. Falmouth & Truro reported having submitted its data via a neighbouring authority.. The response rate for the survey as a whole was therefore 99%.
3. Format of returns (Tables 4a and 4b, Annex B)
All authorities that submitted a questionnaire completed the web-based version of the survey. As in previous years, Defra asked authorities to record the time that it took them to complete the survey questionnaire. It took the authorities an average of 7.9 hours, some 1.6 hours longer than last year's average of 6.3 hours. This is mainly due to a small proportion of authorities spending a disproportionate amount of time on completing the survey. If we look at the typical midpoint, the median value, instead we see that apart from a drop last year to 4 hours, local authorities have been spending on average 5 hours to complete the survey for the last 6 years.
4. Inconsistencies and grossing
As in previous years, members of the Defra and Hartley McMaster project teams contacted authorities and resolved inconsistencies by e-mail or over the 'phone. Given that Falmouth & Truro PHA, Kettering, Kingston upon Thames and Wolverhampton represented less than 3% of the total (B and A2) permits from last year's survey between them, there was no need to estimate the likely content of missing survey returns, i.e. there was no need for "*grossing*".
5. In 2011 Defra adopted a new set of regions for analysing the returns from the LPCSS last year; it also made use of an updated set of indices of multiple deprivation (IMD) from the Department for Communities and Local Government (DCLG). As a result, readers are advised to take care when comparing the figures from this (or last) year's survey, broken down by region or deprivation quartile, with the corresponding figures from previous years' reports.
6. This release covers Part B and Part A2 activities. Part A1 activities are regulated by the Environmental Agency, which concern more polluting and complex industries, e.g. power stations. Enquiries about A1 activities should be made to the [Environment Agency](#).
7. Additional information and data on charging income received, numbers of permit applications, how many installations in different industry sectors hold permits, the time taken to process applications, the number of inspections made, etc. are published as [online Annexes and a management summary](#):
 - Annex A: Analysis of part B Installations.
 - Annex B: Common questions – part A2 and Part B
 - Annex C: Analysis of Part A2 Installations
 - Annex D: Inspection Rates for Part B Installations
 - Annex E: Inspection Rates for Part A2 Installations
8. Additional information on the regulatory framework for Part B and Part A2 permitting and Defra guidance on the Local Authority Pollution Control (LAPC) regime can be found on the [Defra website](#).

9. Headline table

<p>Permitted installations</p> <ul style="list-style-type: none"> 17,930 [18,236] ↓ Part B and 361 [368] ↓ A2 permitted installations as of 31st March 2013 175 [176] ↓ local authorities regulate A2 installations
<p>Applications and decisions</p> <ul style="list-style-type: none"> 424 [573] ↓ Part B applications received and 434 [581] ↓ decided 6 [9] ↓ A2 applications made and 8 [8] → decided with 10 [10] → revoked 80% [74%] ↑ of all decisions made on standard fee Part B applications decided within 4 months 38% [25%] ↑ of all decisions made on A2 applications were decided within 6 months
<p>Notices</p> <ul style="list-style-type: none"> 78 [85] ↓ Part B enforcement and prohibition notices served 1,259 [1,384] ↓ Part B variation notices served on Part B installations 3 [6] ↓ successful prosecutions (total fines £19k [£20k] ↓) and 3 [5] ↓ pending 5 [9] ↓ A2 enforcement and prohibition notices served 59 [36] ↑ A2 variation notices served
<p>Inspections</p> <ul style="list-style-type: none"> Average of 1.4 [1.3] ↑ inspections per Part B installation at application stage Average of 5.8 [3.9] ↑ inspections per A2 installation at application stage Average of 1.34 [1.37] ↓ inspections per group I* permitted Part B installation Average of 0.59 [0.61] ↓ inspections per group II + III* permitted Part B installation Average of 2.8 [3.2] ↓ inspections per permitted A2 installation
<p>Risk Assessment</p> <ul style="list-style-type: none"> 4,190 [4,523] ↓ risk-assessed Part B installations in group I*: 3.0% [3.3%] ↓ high risk, 24.2% [24.5%] ↓ medium risk and 72.8% [72.2%] ↑ low risk 12,526 [12,667] ↓ risk-assessed Part B installations in groups II + III*: 1.0% [1.1%] ↓ high risk, 6.4% [6.8%] ↓ medium risk, and 92.6% [92.1%] ↑ low risk 351 [361] ↓ risk-assessed A2 installations: 8.0% [10.8%] ↓ high risk, 36.5% [37.7%] ↓ medium risk and 55.6% [51.5%] ↑ low risk
<p>Risk Assessed Inspections</p> <ul style="list-style-type: none"> 10,770 [11,461] ↓ full Part B inspections, 1,534 [1,668] ↓ check, and 635 [773] ↓ extra 418 [431] ↓ full A2 inspections, 163 [193] ↓ check, and 386 [269] ↑ extra 34% [35%] ↓ of authorities with group I Part B installations carried out fewer full inspections than expected on these installations. 23% [25%] ↓ of authorities with high or medium risk group II* Part B installations carried out fewer full inspections than expected. 38% [30%] ↑ of local authorities with high or medium risk group III installations carried out fewer full inspections than expected. All but one authority report back to operators after inspections (84% both orally and in writing)
<p>Risk Assessed Inspections and Monitoring</p> <ul style="list-style-type: none"> 31% [32%] ↓ of standard fee Part B installations provide authorities with monitoring data 83% [84%] ↓ of A2 installations provide authorities with monitoring data
<p>Charging</p> <ul style="list-style-type: none"> Total income of £5.5m [£5.7m] ↓ from charges levied on Part B installations Total income of £546k [£778k] ↓ from charges levied on A2 installations 91% [92%] ↓ of authorities have cost accounts for Part B work There is no obvious correlation between local authorities' direct and indirect costs.

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2003 to 2013

➔ no change/change <1% ⬆ increase >5% ⬇ increase ≤5% ⬇ decrease >5% ⬇ decrease ≤5%
'group I' = more complex Part B installations, 'group II' = less complex, 'group III' = least complex
Last year's figures in brackets; data on Part A2 permits in blue; data on Part B permits in black.

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