



PPC Permit ref: 067  
Variation ref: 002

Coventry City Council  
Environmental Permitting (England and Wales) Regulations 2007

Regulation 17

Notice of Variation

To Covrad Heat Transfer Ltd  
Sir Henry Parkes Road  
Canley  
Coventry  
CV6 5BN

Coventry City Council ("the Council"), in the exercise of the powers conferred upon it by regulation 17 of the Environmental Permitting Regulations 2007 ("the 2007 Regulations") hereby gives you a notice as follows-

The Council has decided to vary the conditions of permit reference PPC/067 granted under regulation 9(1) of the 2007 Regulations in respect of the operation of the installation at

Covrad Heat Transfer Ltd  
Sir Henry Parkes Road  
Canley  
Coventry  
CV6 5BN

The variation of the conditions of the permit are specified in Schedule 1 to this notice.

Signed on behalf of Coventry City Council

.....  
[Position]  
An authorised officer of the Council

Date.....

PPC Permit ref: PPC/067  
Variation ref: 002

# SCHEDULE 1

All conditions contained within Permit reference number PPC/067 issued on 24<sup>th</sup> March 2005 shall be deleted. All amendments to Permit reference number PPC/067 listed in all previous variation notices shall be deleted. Permit Reference number PPC/067 shall be varied to read as follows:

## POLLUTION PREVENTION & CONTROL ACT 1999

### DOCUMENT A : PERMIT

#### Covrad Heat Transfer Ltd

Reference Number **PPC/067**

Coventry City Council ("the Council") in accordance with Section 10(2) of the Pollution Prevention & Control (England and Wales) Regulations 2007 ("The Regulations"), hereby permits:

#### Covrad Heat Transfer Ltd

Whose registered office is:

**Sir Henry Parkes Rd  
Canley  
Coventry  
CV6 5BN  
Registered in England No. 64404**

To operate a Part B installation involving a surface cleaning activity as prescribed in Section 7 Part B of Schedule 1 to The Regulations, and a metal coating activity, as prescribed in Section 6.4 Part B of Schedule 1 to The Regulations, at:

**Covrad Heat Transfer Ltd  
Sir Henry Parkes Rd  
Canley  
Coventry  
CV6 5BN**

The permit is subject to the conditions specified in this document consisting of 21 pages and comprising documents A, B and C, plans PPC/067/A and PPC/067/B,

Signed.....

Alan Bennett, Head of Environmental Health  
A person authorised to sign on behalf of the Council

Dated .....

## **SCOPE**

The installation comprises not just any relevant unit carrying out a Part B activity listed in Schedule 1 to the Regulations, but also directly associated activities which have a technical connection with that activity and which could have an effect on pollution.

All pollutant concentrations shall be expressed at reference conditions of 273K and 101.3kPa, without correction for water vapour content.

Technical Guidance documents used in the preparation of this document:

- Secretary of States Guidance Note PG 6/23 – Coating of Metal and Plastic
- Secretary of States Guidance Note PG 6/45 – Surface Cleaning
- Secretary of State's Guidance – Local Authorities General Guidance Manual.

Date Annual Fee Required: 1st April of each financial year

Date for Full Compliance: Date permit issued

Permit Prepared By: Angela Hands  
Permit Checked By: Daniel Rowlson

## **LEGISLATION**

1. Pollution Prevention and Control Act 1999.
2. Environmental Permitting (England and Wales) Regulations 2007

## **BRIEF DESCRIPTION OF THE INSTALLATION REGULATED BY THIS PERMIT**

Definitions referred to in this permit

- An **Activity** is an industrial activity forming part of an installation. Different types of activity are listed within Schedule 1 of the PPC Regulations and are broadly broken down into industrial sectors. Other “associated” activities may also form part of an installation.
- An **Installation** comprises not just any relevant unit carrying out a B activity listed within Schedule 1 to the PPC Regulations, but also directly associated activities which have a technical connection with a schedule 1 activity and which could have an effect on pollution.
- An **Operator** is the person (e.g. a company or individual) who has control over the operation of an installation.
- **Volatile organic compound (VOC)** shall mean any organic compound having at 293K a vapour pressure of 0.01 kPa or more, or having a corresponding volatility under the particular conditions of use.
- **Organic solvent** shall mean any VOC which is used alone or in combination with other agents, and without undergoing a chemical change, to dissolve raw materials, products or waste materials, or is used as a cleaning agent to dissolve contaminants, or as a dissolver, or as a dispersion medium, or as a viscosity adjuster, or as a surface tension adjuster, or a plasticiser, or as a preservative.
- **Stack** includes structures and openings of any kind from or through which substances may be emitted to air.
- **Duct** includes enclosed structures through which gaseous substances may be conveyed.
- **Process vent** includes open terminations of ducts.
- **Authorised Officer** shall mean an officer authorised to carry out duties under the Pollution Prevention and Control Act 1999 and subordinate regulations
- **Logbook** shall mean any electronic or paper means of storage of the required information as agreed by the regulator
- **Local Authority** shall mean Coventry City Council
- "m" means metre
- "m/s" means metres per second

The general location of the Permitted Process is shown on the attached plan PPC/067/A. The internal layout of the factory is shown on the attached plan PPC/ 067/B, including the paint store, locations of spray booths, aluminium degreaser and powder coating line.

## **Description of Permitted activity**

1. Vapour degreasing of metal components using perchloroethylene, an organic solvent carrying the risk phrase R40, in a totally enclosed degreasing unit prior to assembly. A device continually measures the level of solvent vapour in the degreasing chamber, which is interlocked, thereby preventing the access door being opened, unless the solvent level is  $<1\text{g/m}^3$ . This is achieved by the use of vacuum pumps and activated charcoal filters. The solvent is held in sealed tanks until required. There are no exhaust stacks within the plant as it is a totally enclosed system. The installation contains one EVT model Gigant degreasing enclosure, serial number 07376. There are no emissions to atmosphere.

This is a Solvent Emissions Directive surface cleaning activity as defined in Schedule 1, Section 7 Part B, of the Environmental Permitting (England and Wales) Regulations 2007 using over 1 tonne of organic solvent carrying the R45 risk phrase, in a 12 month period or 2 tonnes or more of any other solvent.

2. The application of paints to components, subassemblies and main assemblies inside two spray booths. There are two spray booths, known as the Industrial Spray booth and the assembly shop spray booth where the application of intermediate and finish paint systems to components, sub assemblies and main assemblies takes place. All emissions from the two spray booths are released to atmosphere.

This is a coating activity as defined in Schedule 1 Chapter 6 Section 6.4 Part B of the Environmental Permitting (England and Wales) Regulations 2007 using 5 tonnes or more of organic solvents.

3. The manual and automatic application of dry coating powders using automatic coating apparatus and an electrostatic spray gun. Components are conveyed through an oven where they are heated to for 40 minutes, after which they enter the powder coating area. The powder is directed onto the components using hand held electrostatic spray guns, and the powder is attracted to the metal electrostatically. Any overspray of powder is recovered and re-used, as the powder booths are connected to dual cyclones and after filter systems. Air is recirculated through the building.

This is a powder coating activity using less than 20 tonnes of any paint or other coating material which is applied in solid form. This is below the threshold defined in Schedule 1 Chapter 6 Section 6.5 Part B of the Environmental Permitting (England and Wales) Regulations 2007.

**Table 1****List of Process Areas within the Installation and Associated Emission Points, Pollutants of Concern and Abatement Plant Required**

<b>Row Number</b>	<b>Area/Machinery Identification</b>	<b>Pollutants Emitted</b>	<b>Emission Limit in Permit</b>	<b>Abatement Plant Required</b>
<b>1</b>	<b>Aluminium degreasing unit (using perchloroethylene)</b>	<b>VOC</b>	<b>VOC - Solvent Reduction Scheme</b>	<b>None</b>
<b>2</b>	<b>Paint Spraying in Industrial Spray Booth</b>	<b>VOC Particulate Matter</b>	<b>VOC - Solvent Reduction Scheme Particulates - 50mg/Nm<sup>3</sup></b>	<b>None</b>
<b>3</b>	<b>Paint Spraying in Assembly Shop Spray Booth</b>	<b>VOC Particulate Matter</b>	<b>VOC - Solvent Reduction Scheme Particulates - 50mg/Nm<sup>3</sup></b>	<b>None</b>
<b>4</b>	<b>Powder Coating Spray line</b>	<b>Particulate Matter</b>	<b>Particulates- collected by cyclone</b>	<b>None</b>

## **DOCUMENT B**

### **CONDITIONS**

All conditions shall have immediate effect unless stated otherwise.

### **EMISSION LIMITS AND CONTROLS**

- 1 Emissions from combustion processes shall in normal operation be free from visible smoke and in any case should not exceed the equivalent of Ringelmann Shade 1 as described in British Standard BS 2742:1969
- 2 All releases to air, other than condensed water vapour, shall be free from persistent visible emissions
- 3 All emissions to air shall be free from droplets
- 4 There shall be no offensive odour beyond the site boundary, as perceived by the regulator.
- 5 The following emission concentration limit shall apply to releases to atmosphere from contained sources:

Total Particulate Matter                      50mg/m<sup>3</sup>

### **MONITORING, SAMPLING AND MEASUREMENT OF EMISSIONS**

6. Visual and olfactory assessments of emissions shall be made frequently and at least once each day when the process is in operation. The time, location and result of these assessments shall be recorded.
7. Emissions of particulate matter from the Industrial spray booth and the Assembly shop spray booth shall be monitored annually and the results submitted to the regulator.
8. Non continuous emissions monitoring of particulate matter shall be carried out according to the main procedural provisions of BS ISO 9096:2023, with averages taken over operating periods excluding start up and shut down.
9. The reference conditions for the limit given in condition 5, are 273.15K, 101.3kPa, without correction for water vapour content, unless stated otherwise.
10. All results obtained from annual monitoring shall not exceed the emission concentration limit specified in Condition 5, except where:
  - (a) data is obtained over at least 5 sampling hours in increments of 30 minutes or less; or
  - (b) at least 20 results are obtained where sampling time increments of more than 30 minutes are involved,

In these circumstances the following apply:

- (a) no daily mean of all 30 minute mean emission concentrations should exceed the specified emission concentration limits during normal operation (excluding start up and shutdown)

- (b) no 30 minute mean emission concentration should exceed twice the specified emission concentration limits during normal operation (excluding start up and shut down)
11. The operator shall notify the regulator at least 7 days before any periodic monitoring exercise to determine compliance with emission limit values. The operator shall state the provisional time and date of monitoring, pollutants to be tested and the methods to be used.
  12. The results of any non- continuous emission testing shall be forwarded to the regulator within 8 weeks of the completion of the sampling.
  13. Adverse results from **any** monitoring activity shall be investigated by the operator as soon as the monitoring data has been received. The operator shall:
    - Identify the cause and take corrective action
    - Record as much detail as possible regarding the cause and extent of the problem, and the action taken by the operator to rectify the situation
    - Re-test to demonstrate compliance as soon as possible; and
    - Notify the regulator
  14. The introduction of dilution air to achieve the emission concentration limit shall not be permitted.
  15. The operator shall keep records of inspections, tests and monitoring, including all non-continuous monitoring, inspections and visual assessments. In such cases:
    - Current records shall be kept on site and made available to the regulator to examine
    - Records shall be kept by the operator for at least two years
  16. The operator shall provide a list of key abatement plant and shall have a written plan for dealing with its failure, in order to minimise any adverse affects.
  17. In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions, the operator must;
    - Investigate immediately and undertake corrective action
    - Adjust the process or activity to minimise those emissions; and
    - Promptly record the events and actions taken.
  18. The regulator shall be informed without delay if there is an emission that is likely to have an effect on the local community
  19. The operator shall ensure that adequate facilities for sampling are provided on vents or ducts.

#### **DISPERSION OF CONTAINED EMISSIONS**

20. Adequate insulation shall be provided to minimise the cooling of waste gases and prevent liquid condensation by keeping the temperature of the exhaust gases above the dew point.
21. Stacks and ductwork shall be cleaned to prevent accumulation of materials, as part of the routine maintenance programme



22. Stacks or vents shall not be fitted with any restriction at the final opening such as a plate, cap or cowl or other restriction at the final opening. The discharge from the chimney shall be vertically upwards.

### **MATERIALS HANDLING AND PROCESSING**

23. Drums of organic solvents shall be stored in a secure and well ventilated storage area. This storage area shall be bunded, and shall be capable of holding at least 110% of the capacity of the largest organic solvent storage vessel contained within.
24. All vessels or containers containing organic solvents, including coatings containing VOC shall be lidded or enclosed when not in use and the period that the vessel or container is opened for use shall be kept to a minimum.
25. All potentially odorous waste materials shall be store in suitable closed containers or bulk storage vessels, where appropriate vented to suitable abatement plant.
26. All measures shall be taken to minimise VOC emissions during mixing i.e. the use of covered or closed mixing vessels
27. Emissions from the emptying of mixing vessels and transfer of materials shall be adequately contained, preferably by the use of closed transfer systems. This may be achieved by the use of closed mobile containers, containers with close fitting lids, or, preferably, closed containers with pipeline delivery.
28. Prior to disposal, empty drums and containers contaminated with organic solvent shall be closed to minimise emissions from residues during storage prior to disposal and labelled, so that all handling them are aware of their contents and hazardous properties.
29. Nominally empty drums or drums containing waste contaminated with VOC awaiting disposal shall be stored in accordance with the requirements for full or new containers.
30. All reasonable effort shall be made to minimise the amount of residual organic solvent bearing material left in drums and other containers after use. All organic solvent contaminated waste shall be stored in closed containers.
31. Prior to disposal, used wipes and other items contaminated with organic solvent shall be placed in a suitably labelled metal bin fitted with a self closing lid.
32. Empty powder packaging and dusty wastes shall be stored in closed containers and handled in a manner that avoids emissions
33. Dry sweeping of dusty materials shall not be permitted.

### **CLEANING OPERATIONS**

34. Cleaning operations involving organic solvents shall be periodically reviewed, normally at least once every two years, to identify opportunities for reducing VOC emissions. The operator shall be provided with a report on the conclusions of the review.

35. Where practicable, fixed equipment shall be cleaned in situ, and such equipment shall, where practicable, be kept enclosed whilst cleaning is carried out.
36. Where equipment is cleaned off line using organic solvents, cleaning shall be carried out using enclosed cleaning systems, wherever possible. Enclosed cleaning systems shall be sealed to prevent emissions whilst in operation, except during purging at the end of the cleaning cycle. If this is not practicable, emissions shall be vented to abatement plant where necessary.
37. Residual coating materials contained in parts of the application equipment shall be removed prior to cleaning.
38. Suitable organic solvent containment and spillage equipment shall be readily available in organic solvent handling areas.
39. Cleaning of particulate matter arrestment plant, coating application plant, and extract ductwork which may contain finely divided materials, shall be carried out so as to minimise emissions into the air.
40. Cleaning of powder application booths (e.g. during colour changes) shall be carried out with the booth extract and arrestment kept running.
41. All spillages shall be cleared as soon as possible; solids by vacuum cleaning, wet methods, or other appropriate techniques.

#### **SOLVENT MANAGEMENT**

42. A programme to monitor and record the consumption of coatings against product produced shall be used to minimise the amount of excess organic solvent/coating used.
43. A determination of the organic solvent consumption, the total mass of organic solvent inputs minus any solvents sent for reuse/recovery off site, shall be made and submitted to the regulator annually. The determination of solvent consumption shall be in the form of a mass balance calculation to determine the annual actual consumption of organic solvent. The quantity of compliant and non compliant coating shall also be determined.  
  
The inventory shall be forwarded to the regulator by the end of April each year and shall cover the period from 1 April to 31 March.
44. The operator shall implement a system of solvent mass tracking and shall use this data to provide a Solvent Management Plan (SMP) to demonstrate compliance with the provisions of the Solvent Emissions Regulations 2004. Compliance with the Reduction Scheme is achieved if the annual actual solvent emission determined from the Solvent Management Plan is less than or equal to the Target Emission, in accordance with Process Guidance Note 6/23(04)
45. The Solvent Management Plan and associated solvent mass tracking data shall be made available for inspection by the regulator upon request.

46. The operator shall undertake an annual review to ascertain whether any solvent/coating used contains one of the following designated risk phrase materials: R45, R46, R49, R60, R61, and shall seek to replace that solvent/coating with a less harmful substance or preparation.

### **METAL DEGREASING AND CLEANSING**

47. All appropriate precautions must be taken to minimise emissions during start-up and shutdown.
48. Where practicable, cleaning fluids that do not contain organic solvent, or cleaning fluids with significantly less volatile organic solvents shall be used (with or without the addition of mechanical, chemical or thermal enhancements) (Note: HSE guidance shall be sought prior to any substitution of existing cleaning fluids).
49. When charging the degreasing/cleansing plant and when pumping out waste, a totally contained emission free transfer system shall be used. Charging of the bath can be by pump or gravity fed methods. The point at which organic solvent discharges into the degreasing/cleansing plant shall, where practicable, be below the liquid level in the sump. If the discharge point is above the liquid level, the plant must be cool before introducing organic solvent. Condensing and ventilation systems must be in operation when transferring organic solvent.
50. The programming and loading of parts into the vapour degreasing/cleansing machines shall be controlled, monitored and reviewed to ensure that the number of surface cleaning operations is minimised. The basket shall be loaded to its maximum capacity and the orientation and packing of the components shall be optimized to reduce possible retention and drag out of organic solvent.
51. The degreasers/cleansing tanks shall be inspected monthly for leaks.
52. Where manual cleaning with solvents is unavoidable:
- cleaning solvents shall be kept in enclosed containers whilst not in active use,
  - wiping cloths or brushes shall be either pre-impregnated or using a dispenser or similar device, be impregnated with cleaning solvent in a controlled manner,
  - used wiping cloths or brushes shall be stored in enclosed containers pending recovery or disposal.
53. A vapour level cut out shall be fitted and set in accordance with the manufacturers instructions
54. Oil and grease contamination of parts to be cleaned shall be minimised by:
- Spin off excess oils or grease prior to use of cleaning solvents
  - Longer drain times between machining and cleaning of components
  - Careful stacking of components prior to cleaning to reduce oil retention

### **GENERAL OPERATIONS**

55. A high standard of housekeeping shall be maintained.

56. Spares and consumables shall be held on site, or shall be available at short notice from guaranteed suppliers, so that plant breakdowns can be rectified rapidly.
57. A written maintenance programme shall be available to the regulator with respect to pollution control equipment. A record of such maintenance shall be made available for inspection by the regulator.

### **ENVIRONMENTAL MANAGEMENT SYSTEMS AND TRAINING**

58. The process operator shall ensure that adequate management systems are devised and maintained to ensure compliance with this Permit. These systems may involve the adoption of recognised published standards such as ISO 14001 or EMAS, or alternatively may comprise a system devised in-house.
59. Training of all staff with responsibility for operating the process/ activity shall include:
- Awareness of their responsibilities under the permit, in particular how to deal with conditions likely to give rise to VOC emissions, such as in the event of spillage
  - Minimising emissions on start up and shut down
  - Action to minimise emissions during abnormal conditions.
60. The operator shall keep a statement of training requirements for each operational post and keep a record of the training received by each person whose actions may have an impact on the environment. These documents shall be made available to the regulator on request.

### **RECORDS AND DOCUMENTATION**

61. All records and documentation referred to in this Permit shall be recorded in an easily retrievable format. These records shall be retained by the operator for a minimum of two years and shall be made available to the Regulator for inspection upon request. A summary of these documents is as follows:
- Results of all non-continuous monitoring and continuous monitoring
  - Quantity of solvent use
  - Solvent Management Plan
  - Maintenance programme and maintenance records
  - Details of any malfunction/breakdown incorporating the cause, effect and any corrective action taken
  - Management systems
70. The operator shall notify the Regulator at least 28 days in advance of any modification to the activity, including ancillary operations within the boundary, or any change in the manner of operation, other than routine maintenance or the fitting of standard replacement parts. Written approval shall be obtained prior to any such change or modification.
71. The installation operator shall notify the Regulator at least 28 days in advance of any intention to cease the operation of all or part of the installation.

## **DOCUMENT C**

### **RESIDUAL DUTY**

In relation to any aspect of the process not regulated by specific conditions in this permit, then Best Available Techniques shall be used:

For the purposes of the Pollution Prevention and Control (England and Wales) Regulations 2000, "best available techniques" means 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 practicable, generally to reduce emissions and the impact on the environment as a whole; and for the purpose of this definition –

- a) "available techniques" means those techniques which have been developed on a scale which allows implementation in the relevant industrial sector, in the economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible to the operator;
- b) "best" means, in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole;
- c) "techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

## **SUPPLEMENTARY NOTES**

These notes do not comprise part of the Permit PPC/067 but contain guidance relevant to the Permit.

### **Inspections and Powers of Entry**

Regular inspections will be carried out by officers of the Council (the Local Authority Inspectors) to check and ensure full compliance with the Permit conditions and residual duties. These inspections may be carried out without prior notice.

Under section 108(6) of the Environment Act 1995 authorised Local Authority Inspectors have been granted powers of entry into any premises for the purposes of discharging relevant duties.

### **Reviews**

The Local Authority has a statutory duty to review the permit at least once every 6 years or in the following circumstances set out in regulation 15 of the Pollution Prevention and Control regulations 2000:

- a) The pollution from the installation is of such significance that the existing emission limit values for the permit need to be revised or new emission limit values need to be included in the permit
- b) Substantial changes in BAT make it possible to reduce emissions from the installation or mobile plant significantly without imposing excessive costs; or
- c) Operational safety of the activities carried out in the installation or mobile plant requires other techniques to be used

### **Health and Safety**

This Permit is given in relation to the requirements of the Pollution Prevention and Control (England and Wales) Regulations 2000. It must not be taken to replace any workplace responsibilities the operator has under Health & Safety legislation. Whenever emission limits quoted in this Permit conflict with occupational exposure limits set under the Health and Safety at Work Act 1974 to secure the health, safety or welfare of persons at work, the tighter limit should prevail.

Installation must be operated in order to protect persons at work as well as the environment. In achieving conditions in this Permit the operator must not adopt any course of action that would put at risk the health, safety or welfare of persons at work.

### **Other Statutory Requirements**

This Permit does not detract from any other statutory requirement, such as the need to obtain planning permission, hazardous substances consent, discharge consent from the Environment Agency, building regulations approval, or a waste disposal licence.

This Permit does not authorise a contravention of any other enactment or any order made, granted or issued under any enactment, nor does it authorise a contravention of any rule or breach of any agreement.

The Operator is advised to consult the relevant Planning Department regarding changes that may be required as a result of this Permit (e.g. stack heights) as they may require planning permission.

### **Transfer of Permits**

Where the operator of an installation wishes to transfer, in whole or in part, his permit to another person, the operator and the proposed transferee shall jointly make an application to the regulator to effect the transfer. Such an application shall be accompanied by the permit and any fee prescribed in respect of the transfer.

In the case of partial transfer, where the original operator retains part of the permit, the application must make clear who will retain control over the various parts of the installation. The application must include a plan identifying which parts of the site and which activities the operator proposes transferring.

The local authority will then determine whether to allow the transfer within a two-month period, unless the local authority and the applicants agree a longer period. Where the local authority approves the transfer, the transfer will take effect from the date requested by the operator or a date that may be agreed by the local authority and the applicants.

### **Variation to Permits**

Variation to permits may be initiated either by the local authority or the operator, either in response to changes in the operation of an installation or if new conditions are needed to deal with new matters. Variations may be required in response to the following.

- Change of operation of the installation. (The operator shall notify the local authority under Section 16(1) of the Regulations.)
- In response to the findings of a periodic review of conditions.
- In response to the findings of an inspection.
- New or revised sector guidance notes

The operator should apply to the Local Authority in order to vary a permit under regulation 17 of the Regulations. The application must be in writing and, in accordance with Part 1 of Schedule 7 to the Regulations contain:

- The name, address and telephone number of the operator.
- The address of the installation.
- A correspondence address.
- A description of the proposed changes.
- An indication of the variations the operator would like to make.
- Any other information the operator wants the authority take account of.

### **Substantial Change**

A substantial change means, in relation to an installation, a change in operation, which in the opinion of the local authority may have significant negative effects on human beings or the environment.

Where the local authority deems that a proposed variation constitutes a substantial change, the operator will be informed of the process to follow.

### **Noise**

This Permit does not include reference to noise. Statutory noise nuisance is regulated separately under the provisions of Part III of the 1990 Act.

## **Appeals**

An Appeal can be made against the conditions in, or variations to this Permit as per Part IV of the Regulations. Appeals are made to the Planning Inspectorate who acts on behalf of the Secretary of State. Appeals against conditions within a Permit must be submitted within 6 months of the date of issue of the permit. Appeals against variation notices must be submitted within 2 months of the date of issue of the notice. Appeals should be despatched on the day they are dated and sent to:

The Planning Inspectorate  
Environmental Appeals Administration  
Room 4/19 – Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL  
BS1 6PN

## **HMSO Publications**

All HMSO publications can be ordered by telephone on Tel: 0870 600 5522, Fax: 0870 600 5533 or e-mail: [book.orders@tso.co.uk](mailto:book.orders@tso.co.uk)

## **Emission Monitoring Protocol**

The documented procedure by which reliable and comparable results are obtained from measurements at source is known as a Protocol.

Protocols ensure that the sampling procedures are carried out correctly and that the results obtained accurately characterise the process.

The main components of a Protocol are as follows:-

1. Calibre and quality of the sampling team.
2. A reference measurement method (standard methods may not always be available)
3. A standard methodology setting out:
  - health and safety considerations
  - pollutants of interest
  - plant operating conditions required
  - selection and location of sampling position
  - sampling characteristics (e.g. isokinetic etc) and techniques
  - sampling frequency
  - sampling duration
  - number of samples
  - type (including make and model), condition and suitability of sampling equipment
  - required accuracy
  - variability of emissions



- analytical methods including laboratory competence and NAMAS accreditation certificate copy for each pollutant of interest
- analytical precision
- procedures to be adopted if standard methods unavailable
- calibration certificate(s) for sampling equipment
- Quality Control and Quality Assurance procedures
- Presentation of results and associated information.

## Guidance for Operators receiving a Variation Notice

(This guidance does not form part of the Variation Notice, but it is for the guidance of those served with the notice).

### Dealing with Variation Notice

This notice varies the terms of the permit specified in the Notice by amending or deleting certain existing conditions and/or adding new conditions. The Schedule attached to the notice explain which conditions have been amended, added or deleted and the dates on which these have effect.

The Council may have included a 'consolidated permit' which takes into account these and / or previous variations. In cases where a consolidated permit is not included this variation notice must be read in conjunction with your permit document.

### Offences

#### Failure to comply

With a variation notice is an offence under regulation 32 of the 2000 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £20,000 or improvement for a term not exceeding 6 months or both; or (ii) to a fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in Magistrates Court or Crown Court.

### Appeals

Under regulation 27(2) of the 2000 Regulations operators have the right to appeal against a suspension notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State given under regulations 12(15) (directions to regulators), 36 (general directions to regulators), paragraph (4) of regulation 27 (Appeals), paragraph 14(6) of Schedule 4 (directions determining applications for permits) or 6(6) of Schedule 7 (directions determining variation of permits).

Appeals against a variation notice do not have the effect of suspending operation of the notice. Appeals do not have the affect of suspending permit conditions, or any of the mentioned notices.

Notice of appeal against a variation notice must be given within two months of the date of the notice, which is the subject matter of the appeal. The secretary of State may in a particular case allow notice of appeal to be given after the expiry of this period, but would only do so in the most compelling circumstances.

### **How to appeal**

There are no forms or changes for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide (see Schedule 8 of the 2000 Regulations, paragraph 1):

- Written notice of the appeal
- A statement of the grounds of appeal;
- A statement indicating whether the appellant wishes the appeal to be dealt with by written representations procedure or a hearing --a hearing must be held if either the appellant or enforcing authority requests this, or if the Planning Inspector or the Secretary of State decides to hold one;
- (appellants must copy the above three items to the local authority when the appeal is made)
- a copy of any relevant application;
- a copy of any relevant permit
- a copy of any relevant correspondence between the appellant and the regulator; and
- a copy of any decision or notice, which is the subject matter of the appeal.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for commercial confidentiality under regulation 31 of the 2000 Regulations, and provide relevant details. Unless such information is provided all documents submitted will be open to inspection.

Further guidance on commercial confidentiality can be found in chapter 8 of the LA-IPPC and LAPPC manual.

### **Where to send your appeal documents**

Appeals should be despatched on the day they are dated, and addressed to:

The planning Inspectorate  
 Environmental Appeals Administration  
 Room 4/19 – Eagle Wing  
 Temple Quay House  
 2 The Square  
 Temple Quay  
 Bristol BS1 6PN

On receipt of an appeal and during the appeal process the main parties will be informed about the next steps, and will also normally be provided with additional copies of each other's representations.

To withdraw an appeal – which may be done at any time – the appellant must notify the Planning Inspectorate in writing and copy the notification to the local authority who must in turn notify anyone with an interest in the appeal.

## Costs

Guidance from the Planning Inspectorate states that operator and regulator would be normally expected to pay their own expenses during an appeal. Where a hearing or enquiry is held as part of the appeal process, by virtue of Schedule 8, paragraph 4(10) of the 2000 Regulations, either the appellant or the local authority can apply for costs. Applications for costs are normally heard towards the end of the proceedings and will only be allowed if the party claimed them can show that the other side behaved unreasonably and put them to unnecessary expense. There is no provision for costs to be awarded where appeals are dealt with by written representatives.

## Commercial Confidentiality

An operator may request certain information to remain confidential i.e. not be placed on the public register. The operator must request the exclusion from the public register of commercially confidential information at the time of supply of the information requested by this notice or any other notice. The operator should provide clear justification for each item wishing to be kept from the register. The amount of information excluded from the register should be kept to the minimum necessary to safeguard the operator's commercial advantage. It may assist the local authority if the information the operator considers to be commercially confidential is submitted in a way which will allow it to be easily removed should the claim be granted, for example on separate pages, marked 'claimed confidential'. The onus is on the operator to provide a clear justification for each item to be kept from the register. It will not simply be sufficient to say that the process is a trade secret.

The general principle is that information should be freely available to the public. Information that maybe considered commercially confidential is that which if it "were being contained within the register would prejudice to an unreasonable degree the commercial interests of an individual or any other person<sup>2</sup> (regulation 31(12) of the 2000 Regulations).

Local Authorities will also take into account whether the information at issue could be obtained or inferred from other publicly accessible sources.

The local authority will determine this request within 28 days of the date of such an application and will issue a Determination Notice detailing their decision. The notice may specify a time period over which the information is to remain commercially confidential (if not specified, it will be four years beginning with the date of the determination). The operator may appeal to the Secretary of State within 21 days of the notification of the decision.

If the application is granted the local authority will place a statement on the public register stating that certain information has been withheld and stating the reason why, plus whether the information is relevant to a permit condition, and whether the permit condition has been complied with.

The local authority may consider that certain areas of the information are commercially confidential, and others are not. If this is the case it will be stated in the determination notice. The operator may appeal against this in the normal manner.

Further guidance on commercial confidentiality can be found in Chapter 8 of the LA-IPPC and LAPPC manual.

### **National Security**

Information may be excluded from the public register on the grounds of National Security. If it is considered that the inclusion of information on a public register is contrary to the interests of national security, the operator may apply to the Secretary of State, specifying the information and indicating the apparent nature of risk to national security. The operator must inform the local authority of such an application, who will not include the information on the public register until the Secretary of State has decided the matter.