



EP Permit ref: 106
Variation ref: 001

Coventry City Council
The Environmental Permitting (England and Wales) Regulations 2007
Regulation 20 [and Regulation 18 in relation to consolidated permits]

Variation Notice

To: **Tesco Stores Ltd
Cirrus House
Falcon Way
Shire Park
Welwyn Garden City
Herts
AL7 1AB**

Coventry City Council ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2007¹ ("the 2007 Regulations") hereby gives you a notice as follows-

The Council has decided to vary the conditions of permit reference [106] granted under regulation 13(1) of the 2007 Regulations in respect of the operation of the installation/mobile plant at:

**Petrol Filling Station
Tesco Stores Ltd
22 Canon Park Centre
Lynchgate Road
Coventry
CV4 7EH**

The variation of the conditions of the permit and date on which they are to take effect are specified in Schedule 1 to this notice. A consolidated permit as varied by this notice ref [001] is set out in Schedule 2.

Signed on behalf of Coventry City Council

..... Date.....
Neil Chaplin

Environmental Protection Officer

¹ S.I. 2007 No. 3538

Schedule 1

<p style="text-align: center;">Variation to the Conditions of the Permit</p> <p>INSER FOLLOWING CONDITIONS:</p>	<p style="text-align: center;">Date(s) on which the variations are to take place</p>
<p>SECTION 3 - Stage II Operations</p> <p>3.1 Vapours displaced by the filling of petrol into vehicle petrol tanks shall be recovered by the use of a Stage II vapour recovery system. Filling of vehicle petrol tanks shall not take place unless the system is in place and fully functional.</p> <p>3.2 The vapour recovery system referred to in Condition 3.1 shall:</p> <ul style="list-style-type: none"> • Be approved for use under the regulatory regime of at least one European Union or European Free Trade Association country and must be designed, installed and tested in accordance with the relevant British, European or International Standards • Be certified by the manufacturer to have a hydrocarbon capture efficiency of not less than 85%. <p>A certificate to confirm such compliance shall be retained at the petrol station with the logbook.</p> <p>3.3 Petrol delivery and vapour recovery systems for vehicle petrol tanks shall be tested in accordance with the manufacturers prior to commissioning and for</p> <ul style="list-style-type: none"> a) Vapour containment integrity at least once every three years and always following substantial changes or significant events that lead to the removal or replacement of any of the components required to ensure the integrity of the containment system. b) Effectiveness of the vapour recovery system at least once every three years where an automatic monitoring system is in place and once every year where automatic monitoring is not installed. <p>3.4 The effectiveness of the vapour recovery system</p>	<p style="text-align: center;">1st January 2010</p>
<p>3.4 The effectiveness of the vapour recovery system</p>	<p style="text-align: center;">1st January 2010</p>

referred to in Condition 3.3b shall be tested in accordance with the appropriate method:

i) Open Active Vapour Recovery System - By measuring the ratio of the volume of vapour recovered to liquid petrol dispensed [from here on referred to as 'the vapour/petrol (V/P) ratio']. The V/P ratio shall be at least 95% and where the vapours are recovered into the fuel storage tank, not greater than 105% to avoid excessive pressure build up and consequent release through the pressure relief valves. The V/P ratio shall be determined by simulating the dispensing of petrol using measuring equipment approved for use in any European Union or European Free Trade Association country. The method to be used shall involve measuring the volume of air recovered with fuel flow simulated at the dispenser and read electronically using the approved measuring equipment. This provides the ratio of air recovered to liquid dispensed (air/liquid ratio) which should then be corrected to provide the V/P ratio using an appropriate factor to account for the difference in viscosity between petrol vapour and air ('K-factor')

ii) Other systems - In accordance with the manufacturer's specification with details of this testing retained with the logbook

3.5 The automatic monitoring system referred to in Condition 3.3b shall:

- Automatically detect faults in the proper functioning of the petrol vapour recovery system including the automatic monitoring system itself and indicate faults to the operator. A fault shall be deemed to have occurred where continuous monitoring during filling of vehicle petrol tanks indicates that the V/P ratio averaged over the duration of filling has fallen below 85% or has exceeded 115% for ten consecutive filling operations. This only applies to filling operations of at least 20 seconds duration and where the rate of petrol dispensed reaches at least 25 litres per minute.
- Automatically cut off the flow of fuel on the faulty delivery system if the fault is not rectified within 1 week
- Be approved for use under the regulatory regime of at least one European Union or European Free Trade Association country.

1st January 2010

<p>3.6 The operator must undertake a check at least once per week to verify the functionality of the system for the recovery of vapours from vehicle petrol tanks. This check shall include:</p> <ul style="list-style-type: none"> • A test of functionality using appropriate equipment (only where automatic monitoring is not employed) • A visual inspection for torn, flattened or kinked hoses and damaged seals on vapour return lines. <p>The results of the inspection shall be recorded in the site logbook.</p> <p>3.7 The operator shall notify this Local Authority immediately if the results from any monitoring or tests required by Conditions .3.3, 3.4, 3.5 & 3.6 identifies adverse results, equipment failure, leaks or if there is likely to be an effect on the local community.</p> <p>Delete all references to:</p> <p>The Pollution Prevention and Control (England and Wales) Regulations 2000 SI 1973 as amended and associated guidance</p> <p>and insert the following:</p> <p>The Environmental Permitting (England and Wales) Regulations 2007 and associated guidance</p>	<p>IMMEDIATELY</p>
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Signed on behalf of Coventry City Council

..... Date.....

Neil Chaplin
Environmental Protection Officer

An authorised officer of the Council

(This guidance does not form part of the Variation Notice, but it is for the guidance of those served with the notice). Further guidance can be found in the general guidance manual at: <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/manuals.htm>

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 38 (1) (b) of the 2007 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £20,000 or imprisonment for a term not exceeding 6 months or both; or (ii) to an unlimited 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 31 and Schedule 6 of the 2007 Regulations operators have the right to appeal against a variation notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State given under regulations 61 or 62 or a direction or when determining an appeal.

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 or 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 paragraphs 2(1) and (2) of Schedule 6 of the 2007 Regulations):

- 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 48 of the 2007 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
Environment Team, Major and Specialist Casework
Room 4/04 –Kite 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 paragraph 5 (6) of Schedule 6 of the 2007 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" (regulation 31(12) of the 2000 Regulations).

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.

**POLLUTION PREVENTION & CONTROL ACT 1999
ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2007**

DOCUMENT A : PERMIT

Tesco Stores Ltd

Reference Number **PPC/106**

Coventry City Council ("the Council") in accordance with Section 13(1) of the Environmental Permitting (England & Wales) Regulations 2007 ("The Regulations") hereby permits:

Tesco Stores Ltd

Whose registered office is:

INFORMATION ONLY
New Tesco House
PO Box 18
Delamare Road
Chestnut
Hertfordshire
EN8 9SL

To operate a Part B installation, unloading petrol into stationary storage tanks, as prescribed in Part B of the Regulations, at:

**Tesco Stores Ltd
22 Cannon Park Centre
Lynchgate Road
Coventry
CV4 7EH**

The permit is subject to the conditions specified in this document consisting of 13 pages and comprising documents A, B and C and plans PPC/106/A.

Signed.....

Neil Chaplin

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 State's Guidance Note PG 1/14(06) - Secretary of State's Guidance for Unloading of Petrol into Storage at Petrol Stations.
- Secretary of State's Guidance – General Guidance Manual on Policy and Procedures for A2 and B installations. ISBN 0-85521-028-1

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

Date For Full Compliance: Date permit issued

Permit Prepared By: James Turner
Permit Checked By: Neil Chaplin

LEGISLATION

1. Pollution Prevention and Control Act 1999.
2. Environmental Permitting (England & 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 Environmental Permitting 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 Environmental Permitting 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 location of the petrol storage tank vent pipes is marked in blue on the attached plan PPC/106/A. The Installation boundary is also marked in red on the attached plan PPC/106/A.

Description of Installation

Petrol is delivered to the filling station via road tanker. Petrol is offloaded into storage tanks by delivery hose under supervision of a competent person. Vapours from the delivery system controlled by the vapour recovery system.

This service station has 4 petrol storage tanks and 2 diesel storage tanks

Table 1

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

Row Number	Area/Machinery Identification	Pollutants Emitted	Emission Limit in Permit	Abatement Plant Required
1	4 petrol storage tanks	VOC's	None	Pressure relief valves and vapour recovery on delivery of fuel

DOCUMENT B

CONDITIONS

All conditions shall have immediate effect unless stated otherwise.

1. CONDITIONS

1.1 Vapours displaced by the delivery of petrol into storage installations at service stations shall be returned through a vapour tight connection line to the mobile container delivering the petrol. Unloading operations may not take place unless the arrangements are in place and properly functioning, subject to Conditions 1.3, 1.4 and 1.5.

1.2 The operator shall implement the schedule of preventative maintenance as appended to this authorisation.

1.3 All reasonably practicable steps shall be taken to prevent uncontrolled leaks of vapour from vents, pipes and connectors from occurring. The Authority shall be advised without delay of the circumstances of such a vapour leak if there is likely to be an effect on a local community, and in all cases such a vapour leak should be recorded in the log book required under Condition 1.24

In this condition and in Condition 1.4, a vapour leak means any leak of vapour excepting those which occur through the vent mentioned in Condition 1.11, during potentially hazardous pressurisation.

1.4 The operator shall advise the Authority of the corrective measures to be taken and the timescales over which they will be allowed to be implemented in the event of a vapour leak described in Condition 1.3.

1.5 Instances of vapour lock shall be recorded in the log book and under the circumstances detailed in Condition 1.3 be reported to the Authority.

1.6 The procedures in Conditions 1.2 to 1.5 inclusive shall be reviewed in light of any modifications that occur to the facilities. The Authority shall be advised of any proposed alteration to operating procedures.

1.7 The vapour collection systems shall be of a size and design, as approved by the Authority, to minimise vapour emission during the maximum petrol and vapour flow in accordance with Conditions 1.1 and 1.8 i.e. when most tank compartments are being simultaneously discharged.

(In the case of existing vapour collection systems, an assessment shall be made of the maximum number of tanks which can be discharged whilst still maintaining the integrity of the vapour collection system.)

1.8 The number of tanker compartments being discharged simultaneously shall not exceed 2, excluding the diesel compartments.

1.9 The connection points on the tank filling pipes and vapour return pipe shall be fitted with secure seals to reduce vapour leaks when not in active use. If apertures are provided on storage tanks for the use of a dipstick, these shall be securely sealed when not in use.

- 1.10 The fittings for delivery and vapour return pipes shall be different to prevent mis-connection.
- 1.11 Petrol storage tank vent pipe(s) shall be fitted with a pressure vacuum relief valve to minimise vapour loss during unloading and storage of petrol. (The pressure vacuum relief valve shall be sized and weighted to prevent vapour loss, except when the storage tanks are subject to potentially hazardous pressurisation.)
- 1.12 When connecting hoses prior to delivery, the vapour return hose shall be connected before any delivery hose. The vapour return hose shall be connected by the road tanker end first, and then at the storage tank end.
- 1.13 Adjacent to each vapour return connection point for the storage tank, there shall be a clearly legible and durable notice instructing 'Connect vapour return line before off-loading' or similar wording. The sign shall also refer to the maximum number of tanker compartments which may be unloaded simultaneously in accordance with Condition 1.8.
- 1.14 If dip testing of storage tanks or road tanker compartments is performed before delivery, the dip openings shall be securely sealed prior to the delivery taking place.
- 1.15 Road tanker compartment dip testing shall not be performed whilst the vapour hose is connected.
- 1.16 A competent person shall remain near the tanker and keep a constant watch on hoses and connections during unloading.
- 1.17 All road tanker compartment and vent discharge valves shall be closed on completion of the delivery.
- 1.18 On completion of unloading, the vapour hose shall not be disconnected until the delivery hose has been discharged and disconnected. The delivery hose shall be disconnected at the road tanker first. The vapour return hose shall be disconnected at the storage tank end first.
- 1.19 All connection points shall be securely sealed after delivery.
- 1.20 If the storage tanks or road tanker compartments are dipped after delivery, the dip openings shall be securely sealed after dip testing.
- 1.21 Manhole entry points to storage tanks shall be kept securely sealed, except when maintenance and testing are being carried out which require entry to the tank.
- 1.22 Petrol delivery and vapour return lines shall be tested in accordance with the schedule as appended to this authorisation (or such other schedule as may be agreed by the regulator).
- 1.23 Pressure vacuum relief valves on petrol storage tank vents shall be checked for correct functioning, including extraneous matter, seating and corrosion at least once every three years.
- 1.24 The operator shall maintain a log book at the authorised premises incorporating details of all maintenance, examination and testing, inventory

checking, installation and repair work carried out, along with details of training given to operating staff at the service station.

The log book shall also detail any suspected vapour leak together with action taken to deal with any leak, in accordance with Clauses 1.3, 1.4 and 1.5.

- 1.25 Venting of the petrol vapour shall be through the vent pipes marked A (in blue) on the attached plan Reference PPC/106/A

2.0 GENERAL OPERATIONS

- 2.1 The operator shall undertake regular cleaning and preventative maintenance including inspection and repair/replacement on all plant and equipment concerned with the emission, capture, transport and control of emissions to atmosphere. Where necessary manufacturers guidelines shall be used to determine the regularity of maintenance. Records of preventative maintenance including inspections and any works undertaken shall be kept on site and made available to the local authority inspector on request.
- 2.2 Spares and consumables for plant and equipment used in the installation in particular that subject to continual use or wear shall be held on site or shall be available at short notice. Such plant or equipment shall not be used unless that plant or equipment is capable of working in accordance with the conditions of this permit.
- 2.3 Staff at all levels shall receive the necessary training and instruction in their duties relating to control of the activities and emissions to air. Records shall be kept which details all relevant training provided to staff, and these records shall be kept for a minimum of 2 years.
- 2.4 Any malfunction of plant or spillage of solvent based materials shall be remedied as soon as possible and process operations altered whilst the necessary work is undertaken.
- 2.5 Any incident likely to give rise to adverse atmospheric emissions or emissions that may have an impact on the local community shall be notified to the local authority immediately, and the details of incident including remedial action taken recorded in the process log book.
- 2.6 The operator shall make available on demand and without charge any of the records required to be kept by this permit.
- 2.7 If there is any intention to change any aspect of the prescribed installation from the description contained in the beginning of this permit, or any other aspect which may affect the substances or concentration or amount of substances being emitted to atmosphere, the operator shall notify the regulator of the proposed changes at least 4 weeks in advance before the changes take place.
- 2.8 Operators shall put in place some form of structured environmental management system (EMS), whether by adopting published standards (ISO 14001 or the EU Eco Management and Audit Scheme [EMAS]) or by setting up an EMS tailored to the nature and size of the particular process.

3.0 STAGE II OPERATIONS

3.1 Vapours displaced by the filling of petrol into vehicle petrol tanks shall be recovered by the use of a Stage II vapour recovery system. Filling of vehicle petrol tanks shall not take place unless the system is in place and fully functional.

3.2 The vapour recovery system referred to in Condition 1 shall:

- Be approved for use under the regulatory regime of at least one European Union or European Free Trade Association country and must be designed, installed and tested in accordance with the relevant British, European or International Standards
- Be certified by the manufacturer to have a hydrocarbon capture efficiency of not less than 85%.

A certificate to confirm such compliance shall be retained at the petrol station with the logbook.

3.3 Petrol delivery and vapour recovery systems for vehicle petrol tanks shall be tested in accordance with the manufacturers prior to commissioning and for

- a) Vapour containment integrity at least once every three years and always following substantial changes or significant events that lead to the removal or replacement of any of the components required to ensure the integrity of the containment system.
- b) Effectiveness of the vapour recovery system at least once every three years where an automatic monitoring system is in place and once every year where automatic monitoring is not installed.

3.4 The effectiveness of the vapour recovery system referred to in Condition 3b shall be tested in accordance with the appropriate method:

- i) Open Active Vapour Recovery System - By measuring the ratio of the volume of vapour recovered to liquid petrol dispensed [from here on referred to as 'the vapour/petrol (V/P) ratio']. The V/P ratio shall be at least 95% and where the vapours are recovered into the fuel storage tank, not greater than 105% to avoid excessive pressure build up and consequent release through the pressure relief valves. The V/P ratio shall be determined by simulating the dispensing of petrol using measuring equipment approved for use in any European Union or European Free Trade Association country. The method to be used shall involve measuring the volume of air recovered with fuel flow simulated at the dispenser and read electronically using the approved measuring equipment. This provides the ratio of air recovered to liquid dispensed (air/liquid ratio) which should then be corrected to provide the V/P ratio using an appropriate factor to account for the difference in viscosity between petrol vapour and air ('K-factor')
- ii) Other systems - In accordance with the manufacturer's specification with details of this testing retained with the logbook

3.5 The automatic monitoring system referred to in Condition 3b shall:

- Automatically detect faults in the proper functioning of the petrol vapour recovery system including the automatic monitoring system itself and indicate faults to the operator. A fault shall be deemed to have occurred where continuous monitoring during filling of vehicle petrol tanks indicates that the V/P ratio averaged over the duration of filling has fallen below 85% or has exceeded 115% for ten consecutive filling operations. This only applies to filling operations of at least 20 seconds duration and where the rate of petrol dispensed reaches at least 25 litres per minute.
- Automatically cut off the flow of fuel on the faulty delivery system if the fault is not rectified within 1 week
- Be approved for use under the regulatory regime of at least one European Union or European Free Trade Association country.

3.6 The operator must undertake a check at least once per week to verify the functionality of the system for the recovery of vapours from vehicle petrol tanks. This check shall include:

- A test of functionality using appropriate equipment (only where automatic monitoring is not employed)
- A visual inspection for torn, flattened or kinked hoses and damaged seals on vapour return lines.

The results of the inspection shall be recorded in the site logbook.

3.7 The operator shall notify this Local Authority immediately if the results from any monitoring or tests required by Conditions 3.3, 3.4, 3.5 & 3.6 identifies adverse results, equipment failure, leaks or if there is likely to be an effect on the local community.

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 Environmental Permitting (England & Wales) Regulations 2007 “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 that is not 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.

Further guidance can be obtained from the Secretary of State’s Guidance - Environmental Permitting General Guidance Manual on Policy and Procedures for A2 and B Installations.

SUPPLEMENTARY NOTES

These notes do not comprise part of the Permit PPC/106 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 34(1) of the Environmental Permitting (England and Wales) Regulations 2007:

- 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 Environmental Permitting (England and Wales) Regulations 2007. 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. The 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 Condition 5.6 of this Permit)
- 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 20(1) of the Regulations. The application must be in writing and, in accordance with Part 1 of Schedule 5 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
Environment Team, Major and Specialist Casework
Room 4/19 – Kite Wing
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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.