



PPC Permit ref: PPC/41
Variation ref: 002

Coventry City Council
The Pollution Prevention and Control (England and Wales) Regulations 2000 Regulation
17

Variation Notice

To

**The Company Secretary, Magnetto-Topy Wheels (UK) Ltd, Holbrook Lane,
Coventry
CV6 4QZ**

Coventry City Council ("the Council"), in the exercise of the powers conferred upon it by regulation 17 of the Pollution Prevention and Control (England and Wales) Regulations 2000¹ ("the 2000 Regulations") hereby gives you a notice as follows-

The Council has decided to vary the conditions of permit reference PPC/41 granted under regulation 9(1) of the 2000 Regulations in respect of the operation of the installation at **Magnetto-Topy Wheels (UK) Ltd, Holbrook Lane, Coventry, CV6 4QZ**

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

Signed on behalf of Coventry City Council

..... Date.....

An authorised officer of the Council

¹ S.I 2000 No. 1973 to which there are amendments not relevant to this suspension notice.

Schedule 1

Variation to the conditions Of the permit	Date(s) on which the variation Is to take place
<p>In document B delete existing condition 1.3 and replace with new condition 1.3 "1.3 The following emissions to atmosphere shall not be exceeded expressed as a thirty minute except in accordance with condition 5.23 of the Secretary of States Process Guidance Note PG6/23(04) – the coating of metal and plastic."</p>	<p>Immediately</p>
<p>In document B delete existing condition 2.3 and replace with new condition 2.3 "2.3 Emissions from the incinerator stack shall be tested for nitrogen oxides at least once every 12 months in accordance with the main procedural requirements of ISO 10849."</p>	<p>Immediately</p>
<p>In document B in existing condition 2.4 after "once every 12 months" insert "in accordance with the main procedural requirements of ISO9096:2003 with averages taken over operating periods excluding start-up and shutdown."</p>	<p>Immediately</p>
<p>In document B delete existing condition 2.5 and replace with new condition 2.5 "2.5 Emissions from the incinerator stack shall be tested for carbon monoxide at least once every 12 months in accordance with the main procedural requirements of ISO12039."</p>	<p>Immediately</p>
<p>In document B delete existing condition 5.1 and replace with new conditions 5.1, 5.1.1, 5.1.2, 5.1.3 5.1 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.</p>	<p>Immediately</p>

<p>5.1.1 The operator shall maintain 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.</p> <p>5.1.2 The training of all staff with responsibility for operating the activity shall include:</p> <ul style="list-style-type: none"> • awareness of their responsibilities under the Permit; in particular how to deal with conditions likely to give rise to emissions, such as in the event of spillage; • minimising emissions on start up and shut down; and • action to minimise emissions during abnormal conditions. <p>5.1.3 Effective preventative maintenance shall be employed on all aspects of the activity including all plant, buildings and the equipment concerned with the control of emissions to air. In particular; a written maintenance programme shall be available to the regulator with respect to pollution control equipment, and a record of such maintenance shall be made available for inspection by the regulator.</p>	
<p>In document B in existing condition 6.1 after "risk phrased substances/materials" insert "R40,".</p>	<p>Immediately</p>

Signed on behalf of Coventry City Council

.....
An authorised officer of the Council

Date.....

Schedule 2

Permit reference PPC/041 as varied by this notice

**POLLUTION PREVENTION & CONTROL ACT 1999
POLLUTION PREVENTION & CONTROL (ENGLAND AND WALES) REGULATIONS
2000**

DOCUMENT A : PERMIT

Magnetto Topy Wheels (UK) Ltd

Reference Number **PPC/041**

Coventry City Council ("the Council") in accordance with Section 10(2) of the Pollution Prevention & Control (England and Wales) Regulations 2000 ("The Regulations"), hereby permits:

Magnetto Topy Wheels (UK) Ltd

Whose registered office is:

**Holbrook Lane
Coventry
CV6 4AA**

to operate a Part B installation involving a coating activity, as prescribed in Section 6.4 Part B of Schedule 1 to The Regulations, at:

**Magnetto Topy Wheels (UK) Ltd
Holbrook Lane
Coventry
CV6 4AA**

The permit is subject to the conditions specified in this document consisting of 15 pages and comprising documents A, B and C, plans PPC/041/A, PPC/ 041/C and PPC/ 041/C and Appendix 1.

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 PG6/23(04) – The Coating of Metal and Plastic
- 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: Rachel King
Permit Checked By: Susan Simmons

LEGISLATION

1. Pollution Prevention and Control Act 1999.
2. Pollution Prevention and Control Regulations 2000 as amended, schedule 1 as amended

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 (eg 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 Authorised Process is shown on the attached plan PPC/041/A. The Installation boundary is marked in red on the attached plan PPC/ 041/B. The internal layout of the paint shop is shown on the attached plan PPC/ 041/C.

Description of Installation

- The delivery and storage of paints, diluents and cleaning solvents in the paint store, and the Pigment and resin storage in the bulk storage tank.
- The Pretreatment of the wheels following the process of: knock off, Alkali Degreaser, second stage Alkali Degreaser, Rinse, cold water-rinse with Titanium Additive, Zinc Phosphating, rinse, chromate passivate, rinse and final rinse;

- The dip painting of the wheels with a water based primer paint in the Electrophoretic Primer Dip as shown on Plan PPC/041/C.
- The water spraying of wheels to remove excessive primer paint and to reduce the surface tension of the paint.
- The curing of primer paint in the ovens to a temperature range of 145°C to 240°C.
- The spraying of the wheels in the 2 Automatic Spray booths, as shown on the Plan numbered PPC/041/C, employing electrostatic techniques.
- The flash off and curing of paints in the curing ovens

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	Pre-treatment Line	None	None	None
2	Electrophoretic Dip Plant	VOC's	6.2	None
3	2 Curing Ovens	VOC's	6.2	None
4	2 X Automatic spray booths	Particulates VOC's	1.3 6.2	
6	Curing Ovens	VOC's	6.2	None
7	Incinerator	Carbon monoxide Nitrogen oxide	1.3	None

DOCUMENT B

CONDITIONS

All conditions shall have immediate effect unless stated otherwise.

1.0 EMISSION LIMITS AND CONTROLS

- 1.1 All emissions to air shall be free from offensive odour outside the process boundary, as perceived by the local Authority Inspector.
- 1.2 There shall be no emissions of particulate matter noticeable beyond the installation boundary.
- 1.3 The following emissions to atmosphere, expressed as a thirty-minute mean shall not be exceeded except in accordance with clause 5.23 of the Secretary of State's Guidance Note PG6/23(04) – coating of metal and plastic.
- (a) Deleted
- (b) Nitrogen oxides and carbon monoxide from the stack serving the incinerator 100mg/m³.
- (c) Total particulate matter from the stack serving the Automatic spraybooths 50mg/m³.
- 1.4 The introduction of dilution air to achieve the emission concentration limits in this authorisation is not permitted. Exhaust flow rates should be consistent with the efficient capture of emissions.

2.0 MONITORING, SAMPLING AND MEASUREMENT OF EMISSIONS

- 2.1 A visual assessment of particulate emissions from the spray booths and electrophoretic primer dip shall be carried out at least once a day from the installed steel stairway for access to the gallery along the east wall of the paint shop. This is marked X on plan PPC/41/B and C.
- 2.2 An olfactory assessment of emissions of volatile organic compounds shall be carried out at least once a day from the position referred to in condition 2.1.
- 2.3 Emissions from the incinerator stack shall be tested for nitrogen oxides at least once every 12 months in accordance with the main procedural requirements of ISO 10849.
- 2.4 Emissions from the automatic spray booths shall be tested for particulates at least once every 12 months in accordance with the main procedural requirements of ISO9096:2003 with averages taken over operating periods excluding start-up and shutdown.

- 2.5 Emissions from the incinerator stack shall be tested for carbon monoxide at least once every 12 months in accordance with the main procedural requirements of ISO 12039.
- 2.6 The Authority shall be notified 7 days in advance of any periodic monitoring to demonstrate compliance with clause 1.3. This notification shall include the provisional date, and time of the monitoring, pollutants to be tested, and the method to be used
- 2.7 The results of the monitoring to demonstrate compliance with clause 1.3 shall be forwarded to this Local Authority within 8 weeks of the monitoring taking place.
- 2.8 The results of monitoring to comply with 2.1 and 2.2 shall be recorded in a log book. This shall include the date, time, wind strength and direction, the name of the observer and an assessment of the emissions. This log book shall be retained, on site, for a minimum of four years.
- 2.9 Any adverse results from the monitoring required in 2.1 and 2.2 shall be followed up immediately by the investigation of the cause of the emission and any corrective action taken, with this also being recorded in the log book.
- 2.10 A solvent management plan shall be maintained and submitted to the regulator annually to demonstrate compliance with the requirements of the solvent reduction scheme outlined in condition 6.2. Further information/advice on the content of the management plan is detailed in paragraph 5.11 and 5.12 of PG6/23(04).

3.0 OPERATIONAL CONTROLS

- 3.1 The cleaning of spray guns and other equipment shall only be carried out in the automatic flushing systems.
- 3.2 The mixing of paint shall only be carried out in the area marked paint mixing room.
- 3.3 The application equipment for all coatings using electrostatic application shall be capable of achieving transfer efficiency of solids of at least 65%.
- 3.4 Spray gun testing, following cleaning shall only be carried out in the spray booths. This shall only be undertaken while the spray booths are in proper working order.
- 3.5 The Primer Paint Dip Tanks No. 1 shall have the capacity to hold 24,000 litres of paint and No. 2 shall have the capacity to hold 17,000 litres of paint.
- 3.6 The Paint Dip Tank No. 1 when being emptied shall be pumped into the holding tank No. 1 with a capacity of 36,000 litres. When the Paint Dip Tank No. 2 is being emptied it shall be pumped into holding Tank No. 2 which has a holding capacity of 36,000 litres. At no time shall Dip Tanks No. 1 and No. 2 be emptied at the same time into Holding Tanks 1 or 2.

- 3.7 All full, partially full and nominally empty containers which hold or have held materials which contain organic solvents must be stored in the paint mixing room and have lidded containers or must be stored in a covered skip.
- 3.8 Waste solvents and other liquid wastes containing VOC's shall be recycled using the distillation plant located in the paint shop adjacent to the spray booths.

4.0 STACKS, DUCTS AND PROCESS VENTS

- 4.1 Emissions from the electrophoretic Primer Dip only be emitted via the 6m stack. The height of the final discharge point shall be 3m above the roof ridge.
- 4.2 Emissions from the spraying of coatings in the Automatic spray booths shall only be emitted to atmosphere via the electropaint water back filtration system. The height of the final discharge point shall be 3m above the roof ridge.
- 4.3 Emissions from the flashing off or curing of the Primer and Top coatings shall only be emitted to air via the incinerator.
- 4.4 All the exhaust gases from the curing ovens shall be directed through the incinerator.

5.0 GENERAL OPERATIONS

- 5.1 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.
- 5.1.1 The operator shall maintain 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.
- 5.1.2 The training of all staff with responsibility for operating the activity shall include:
- awareness of their responsibilities under the Permit; in particular how to deal with conditions likely to give rise to emissions, such as in the event of spillage;
 - minimising emissions on start up and shut down; and
 - action to minimise emissions during abnormal conditions.
- 5.1.3 Effective preventative maintenance shall be employed on all aspects of the activity including all plant, buildings and the equipment concerned with the control of emissions to air. In particular; a written maintenance programme shall be available to the regulator with respect to pollution control equipment, and a record of such maintenance shall be made available for inspection by the regulator.

- 5.2 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.
- 5.3 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.
- 5.4 The operator shall make available on demand and without charge any of the records required to be kept by this permit.
- 5.5 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.

6.0 COMPLIANCE WITH SOLVENT EMISSIONS REGULATIONS

- 6.1 The operator shall identify products or materials that are/contain risk phrased substances/materials R40, R45, R46, R49, R60 and R61 and formulate and implement a timetable to replace, control and limit designated risk phrase materials as soon as possible, as defined and agreed by the Local Authority.
- 6.2 The operator has chosen to demonstrate compliance with the Solvent Emissions (England & Wales) Regulations 2004 by the use of a Solvent Reduction Scheme to demonstrate the achievement of a Target Emission which is calculated by identifying the total amount of solids used in coating material in a 12 month period (all ingredients other than water and organic solvents should be assumed to form part of the solid coating). The Target Emission is as follows:

At 31/10/05	At 31/10/07
Total Mass of Solid x 0.56	Total Mass of Solid x 0.37

The operator shall submit information that demonstrates compliance with the target emission on an annual basis using details from the solvent management plan outlined in condition 2.9.

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/ 041 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. The permit shall accompany such an application 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

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 effect 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" (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.

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 effect 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 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" (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.

