



EP Permit ref: PPC/007
Variation ref: 001

Coventry City Council
The Environmental Permitting (England and Wales) Regulations 2010
Regulation 20 [and Regulation 18 in relation to consolidated permits]

Variation Notice

To: Mr Andrew Field

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 2010¹ ("the 2010 Regulations") hereby gives you a notice as follows-

The Council has decided to vary the conditions of permit reference [PPC/007] granted under regulation 13(1) of the 2010 Regulations in respect of the operation of the installation/mobile plant at:

Andy's Landy's
Unit 4 Stoney Court
Binley Industrial Estate
Off Hotchkiss Way
Coventry
CV3 2EE

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 notice is set out in Schedule 2.

Signed on behalf of Coventry City Council

..... Date.....

[Name] [Position]

An authorised officer of the Council

¹ S.I. 2010 No. 3538

Schedule 1

Variation to the Conditions of the Permit	Date(s) on which the variations are to take place
<p>In Documents A, B & C and supplementary guidance of Permit 001</p> <p>DELETE all references to:</p> <p>The Pollution Prevention and Control (England and Wales) Regulations 2000 SI 1973 as amended</p> <p>and REPLACE with:</p> <p><u>The Environmental Permitting (England and Wales) Regulations 2010</u></p>	<p>Immediately</p>
<p><u>2.0 MONITORING, SAMPLING AND MEASUREMENT OF EMISSIONS</u></p> <p>2.1. DELETE: "minimum of four years" INSERT: "minimum of three years".</p> <p>INSERT: "A copy of this record for the previous 12 months shall be sent to the Council once a year, within the month of January."</p>	<p>Immediately</p>
<p><u>4.0 GENERAL OPERATIONS</u></p> <p>4.2. INSERT: "Records of manufacturer's or contractor's servicing shall be retained for a minimum of 3 years, and evidence that each appliance has been serviced over the previous 12 months shall be sent to the Council once a year, within the month of January ."</p>	<p>Immediately</p>
<p><u>4.0 GENERAL OPERATIONS</u></p> <p>4.5 INSERT: "A list of staff nominated and trained to operate the appliance shall be sent to the Council once a year, within the month of January."</p>	<p>Immediately</p>

Signed on behalf of Coventry City Council

..... Date.....

[Name] [Position]

An authorised officer of the Council

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). 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 2010 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 2010 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 2010 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 2010 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 2010 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.

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
2010**

DOCUMENT A : PERMIT

Andy Landy's

Reference Number **PPC/007**

Coventry City Council (“the Council”) in accordance with Section 6(1) of the Environmental Permitting (England and Wales) Regulations 2010 (“The Regulations”), hereby permits:

Mr Andrew Field

Whose registered office is:

**Andy Landy's
Unit 4 Binley Industrial Estate
Stoney Court
Off Hotchkiss Way
Coventry
CV3 2EE**

to operate a Part B installation involving the operation of a waste oil burner of less than 0.4 MW net rated thermal input, as prescribed in Section 1.1 Part B of Schedule 1 to The Regulations, at:

**Andy Landy's
Unit 4 Binley Industrial Estate
Stoney Court
Off Hotchkiss Way
Coventry
CV3 2EE**

The permit is subject to the conditions specified in this document consisting of 9 pages and comprising documents A, B and C, plans PPC/007/A, PPC/007/B and Appendix 1.

Signed.....

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.

Technical Guidance documents used in the preparation of this document:

- Secretary of States Guidance Note PG1/1(04) – waste oil burners less than 0.4MW net rated thermal input. ISBN 0-1 1-753194-4
- 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

LEGISLATION

1. Pollution Prevention and Control Act 1999.
 2. Environmental Permitting (England and Wales) Regulations 2010 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 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 (eg a company or individual) who has control over the operation of an installation.
- **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
- **net rated thermal input** means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal
- **waste oil** means any mineral based lubricating or industrial oil which has become unfit for the use for which it was intended and in particular used combustion engine oil, gearbox oil, mineral lubrication oil, oil for turbines and hydraulic oil

The general location of the Authorised Process is marked on the attached plan PPC/007/A
The Installation boundary is marked in red on the attached plan PPC/007/B in addition to the internal layout of the garage.

Description of Installation

The burning of waste oil arising from the draining of engines, gearboxes and other lubrication systems at Andy Landy's, Unit 4 Binley Industrial Estate, Stoney Court, Off Hotchkiss Way, Coventry in a Thermobile AT302 waste oil burner of 0.023 MW net rated thermal input (manufactured by Kongskilde).

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	Thermobile AT302 (manufactured by Kongskilde)	Particulates	Condition 1.3	None

DOCUMENT B

CONDITIONS

All conditions shall have immediate effect unless stated otherwise.

1.0 EMISSION LIMITS AND CONTROLS

1.1 Only hydrocarbon-based oils arising from the draining of engines, gearboxes and other lubrication systems at Andy Landy's, Unit 4 Binley Industrial Estate, Stoney Court, off Hotchkiss Way Coventry shall be burned in the appliance. No waste oil from other sources shall be burned in the appliance.

1.2 The following shall at no time be burned in the appliance:

- i. any halogenated materials;
- ii. polycyclic or polyaromatic compounds arising other than by use as a lubricating oil;
- iii. low-flash-point fuels, oils or solvents (less than 40°C determined by the Pensky-Marten closed cup method);
- iv. surface-coating materials eg. paint.

1.3 All emissions to air shall be free from visible smoke and in any event shall not exceed the equivalent of Ringlemann Shade 1 as described in British Standard 2742 : 2009. In the case of lighting from cold, emissions of smoke exceeding Ringlemann Shade 1 are permitted for not more than 10 minutes.

1.4 The appliance shall be refuelled only when cold.

1.5 Where smoke emissions occur, with the exception of the allowance for lighting from cold in Condition 1.3 above, the appliance shall be switched off and the cause identified and rectified before the appliance is re-lit.

2.0 MONITORING, SAMPLING AND MEASUREMENT OF EMISSIONS

2.1 Where the operator observes smoke emissions that contravene the requirements of Condition 1.3 above, the operator shall record the date and time that the emission occurred in the log book specified in Condition 2.2 below. Records of such emissions shall be retained for a minimum of three years. A copy of this record for the previous 12 months shall be sent to the Council once a year, within the month of January.

2.2 The appliance, including the fuel feed system and chimney, shall be thoroughly inspected once a week during operational months to ensure that there are no defects that could lead to excessive smoke emission. The weekly examination shall include an assessment of the smoke emission from the appliance during lighting from cold and in normal operation. The results of the inspection shall be noted in a log book, together with the date and the identity of the person undertaking the inspection.

3.0 STACKS, DUCTS AND PROCESS VENTS

3.1 The appliance shall be permanently ducted to a stack, marked 'B' on Plan PPC/007/B, which shall be 5 metres above ground level.

3.2 The stack shall discharge vertically upwards, and shall be free from any cap, plate, or other restricting device which would interfere with the upward flow of flue gases.

4.0 GENERAL OPERATIONS

4.1 The appliance shall be cleaned and ash shall be removed in accordance with the manufacturer's instructions for that appliance.

4.2 The appliance shall be serviced regularly in accordance with the manufacturer's instructions for that appliance. Records of manufacturer's or contractor's servicing shall be retained for a minimum of 3 years, and evidence that each appliance has been serviced over the previous 12 months shall be sent to the Council once a year, within the month of January. Suitable precautions shall be taken in the handling and disposal of ash, dust or other residues to minimise any emission to atmosphere. The material shall be collected, contained and transported in sealed bags or other dust-tight containers.

4.3 Waste oil shall be stored and handled so as to minimise the emission of odorous vapours to the air. It shall be stored in a tank in the bunded area marked 'A' on Plan marked PPC/007/B. Suitable covered containers shall be used to transfer it to the appliance.

4.4 A supply of a suitable oil-absorbent material shall be maintained on site, and any liquid spillage shall be cleaned up immediately. Soiled absorbent materials shall be stored in closed containers whilst awaiting disposal.

4.5 All nominated staff who operate the appliance shall be trained in, and fully conversant with, its operation in accordance with the manufacturer's instructions for that appliance. A list of staff nominated and trained to operate the appliance shall be sent to the Council once a year, within the month of January. Special attention shall be given to the correct procedure for lighting the appliance from cold. Records shall be kept which details all relevant training provided to staff, and these records shall be kept for a minimum of 2 years.

4.6 Only nominated persons shall operate the appliance.

4.7 Clear instructions shall be prominently displayed at all times on or near the appliance, detailing its correct operation and maintenance.

4.8 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.

4.9 The operator shall make available on demand and without charge any of the records required to be kept by this permit.

4.10 Where any modification to the appliance is intended, with the exception of the fitting of standard replacement parts, details of the modification shall be notified to the Authority and approval obtained prior to the modification being undertaken.

4.11 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.

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 2010 “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.
- d) 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/189 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 2010:

- 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 2010. 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.

- 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

Temple Quay House, 2 The Square
Temple Quay
BRISTOL
BS1 6PN

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