



**POLLUTION PREVENTION & CONTROL ACT 1999
Environmental Permitting (England and Wales) Regulations 2010**

DOCUMENT A : PERMIT

Hydrex Equipment Ltd

Reference Number **PPC/192**

Coventry City Council (“the Council”) in accordance with Section 13(1) of the Environmental Permitting (England & Wales) Regulations 2010 (“The Regulations”), hereby permits:

Hydrex Equipment Ltd

Whose registered office is:

**Hydrex House
Serbert Way,
Portishead,
Bristol.
BS20 7GG**

To operate a Part B installation involving a mobile mineral activity, as prescribed in Section 3.5 Part B (c) and (d) of Schedule 1 to The Regulations, from its’ regional office:

**1 Rye Hill Office Park
Birmingham Road
Allesley
Coventry
CV5 9AB**

The permit is subject to the conditions specified in this document consisting of 12 pages and comprising documents A, B, C, Appendix 1.

Signed.....

**Sara Roach - Assistant Director Public Safety
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 PG3/16(04) – Mobile Crushing and Screening Processes
- 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: Andrew Goold

LEGISLATION

1. Pollution Prevention and Control Act 1999.
2. Environmental Permitting (England & Wales) Regulations 2010

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 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 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.
- **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

Description of Installation

Hydrex Equipment (UK) Ltd supply mobile crushers, screens and ancillary plant along with personnel to their customers.

The company hold numerous Permits. Each plant or set of plant, when hired out has an accompanying uniquely numbered Permit.

Raw materials are fed into the feed hopper of the mobile crusher unit by wheeled loader or hydraulic excavator. The most popular crushers have a stationary steel jaw working with a moving jaw to crush and pulverise material. These are known as jaw crushers. There are also crushers that have a truncated revolving cone and an outer chamber between which the material gets crushed. Final product is discharged via a conveyor either to other machinery or to stockpiles.

Screens consist of vibrating grate bars which separate the material out according to particle size.

Screens are either incorporated into the crushing plant, or exist as separate units. Final product is discharged via a conveyor to stockpiles.

Material may be subjected to any combination of screening, crushing, stockpiling or washing, depending on the customer's needs.

DOCUMENT B
CONDITIONS

All conditions shall have immediate effect unless stated otherwise.

1.0 MONITORING OF EMISSIONS

- 1.1 Visual assessments of dust emissions from the plant and stockpiles shall be made at least three times per day whilst the machine is in operation to check compliance with Clause 1.1a and 1.1b. Observations shall be made on start up and on at least two more occasions during each day.
 - 1.1a No visible dust emissions from the process and fall out of dust beyond the boundary shall occur.
 - 1.1b All emissions to air from the plant, conveyors or stockpiles shall be free from droplets.
- 1.2 Results of the visual assessment required by Clause 1.1 (i.e. the time, location and result of the assessments) along with any other inspections, tests and monitoring shall be recorded on a weekly plant sheet. The weekly plant sheets shall be made available on request to the Local Authority Inspectors in whose area the machine is operating or this Local Authority, and shall be retained by the Operator for a minimum period of 2 years.
- 1.3 Any adverse results from the visual assessments required by clause 1.1 shall be investigated immediately, and recorded on the weekly plant sheet. Crushing, stockpiling and screening operations shall cease and not continue until the cause of the adverse emission has been identified and remedial action taken. Remedial action shall be recorded on the weekly plant sheet.
- 1.4 If the source of the emission is uncertain the Operator shall undertake their own inspection and assessment, and where necessary undertake ambient monitoring in order to identify those process operations giving rise to the dust. Monitoring may be either by a British Standard (BS 1747), or by a method agreed by the Local Authority.
- 1.5 Monitoring to demonstrate compliance with clause 1.1 shall not take place without the prior approval of the Local Authority Inspector. Prior to monitoring the operator shall notify the Local Authority Inspector of the monitoring methods to be used, including the provisional start date of monitoring.
- 1.6 Results of monitoring to demonstrate compliance with clause 1.1 shall be made available on request by the Local Authority Inspectors in whose area the machine is operating, and forwarded to this Local Authority within 8 weeks of the completion of sampling.

2.0 PROCESS OPERATIONS

- 2.1 An adequate supply of water shall be available to crusher machines during operation and used for dust suppression if the operator deems this to be necessary following the visual checks of clause 1.1.
- 2.2 High pressure, low volume water spray dust suppression equipment shall be fitted to the machine feed hopper and the final discharge points and maintained in use during operation of the crusher machines where water dust suppression is required to meet the conditions of clause 1.1a. If such dust suppression is required but water of the required pressure is not available for use on the suppression system, then the process shall not operate.
- 2.3 Conveyors and transfer points shall be provided with adequate protection against wind whipping.
- 2.3a The last metre of any final size discharge conveyor or stockpile discharge conveyor and the first 0.5 m of the free fall of materials from conveyors carrying material of a consistent size and shape, shall be fitted with a full hood. In addition, if necessary to meet the requirements of clause 1.1a, high pressure, low volume water sprays shall be used at conveyor discharge points.
- 2.3b The conveyor belts shall be fitted with a means for keeping the conveyor belt clean. Where chevron belts are used, catch plates shall be used to contain dust falling from the underside of the belt at the turning point.
- 2.3c Loading to and from stockpiles, and the construction and management of stockpiles shall be carried out in such a manner as to minimise wind-borne dust. As a minimum, stockpiles shall be located at sheltered points of the site, be suitably profiled and the drop height of material shall be minimised.
- 2.3d Water conditioning of stockpiles shall be used whenever practicable to control dust.
- 2.3e All processed material not screened to remove material under 3mm shall be conditioned with water or proprietary conditioning agents before the point of discharge on to the stockpile.
- 2.4 The height of product stock piles shall be maintained to within a maximum of 1 meter of the height of the discharge points from the machine conveyors.
- 2.5 The water spray, dust suppression equipment shall be maintained in full working order whilst in operation and shall have adequate frost protection.
- 2.6 If water dust suppression is utilised, in the event of any interruption of the water supply crushing operations shall cease until adequate water supply has been restored.
- 2.7 Appendix 1 contains details of the machinery permitted to be used under this Permit. Details of any changes to this plant list shall be submitted to this Local Authority not less than 7 days before such equipment is brought into use under the authority of this Permit. Only machinery listed in Appendix 1 is approved for use under this permit.
- 2.7a The Operator shall notify this Local Authority and the Pollution control or Environmental Health Department of the Local Authority in whose area the plant is

to be operating in England or Wales, or the local SEPA office in Scotland in writing within seven days if possible, and in no case less than three whole days prior to the process being relocated to any new site. Such notification shall include details of the description and reference numbers of the plant to be used, the address of the new location, the Local Authority in whose area the site is located / the Regulating Authority as appropriate and the date that operations will commence.

- 2.7b No material shall be stored in the open except for:
- a. Material that has been screened to remove material 3mm and under
 - b. Sand
 - c. Scalpings
 - d. Material used for road sub bases ("MOT material", "Type 1" or "Type 2" material) that has been conditioned prior to deposition
 - e. Crusher run material or blended material that has been conditioned before deposition
 - f. Material under 3mm where the volume is in excess of the internal storage capacity, but only in cases approved by the Local Authority.
- 2.8 In respect of sites managed by the Operator, storage areas where there is vehicular movement shall be maintained in such a manner that will reduce dust emissions from the roads.
- 2.9 In respect of sites managed by the Operator, potentially dusty material being delivered to the site shall be sheeted or held in closed containers before being admitted to the site.
- 2.10 In respect of sites managed by the Operator, the loading of road vehicles shall be carried out such that the drop height of crushed material is minimised and by loading in such a general manner as to minimise the generation of airborne dust. Where emissions are seen to occur, the crushed material shall be suitably wetted prior to loading. As soon as possible after loading, the vehicle shall be sheeted or otherwise totally enclosed. This shall not apply to the loading of material that is greater than 75mm.
- 2.11 The Operator shall maintain all plant in a clean state to prevent wind entrainment of deposited dust, and to also avoid any material being deposited during transportation between operating locations.
- 2.12 In respect of sites managed by the Operator, where necessary, wheel cleaning facilities shall be provided and used by vehicles before leaving the site.
- 2.13 In respect of sites managed by the Operator, processed materials likely to generate dust shall be conditioned with water prior to internal transfer.
- 2.14 In respect of sites managed by the Operator, roadways in normal use and any other area where there is regular movement of vehicles shall have a consolidated surface capable of being cleaned. These roadways shall be kept clean and in good repair in order to prevent or minimise dust emissions.

3.0 GENERAL OPERATIONS

- 3.1 Any malfunction or breakdown resulting in abnormal emissions shall be investigated immediately and normal operations shall only continue once the fault has been

rectified. All such malfunctions or breakdowns shall be recorded on the weekly plant sheet outlined in clause 1.2.

- 3.2 Any malfunction or breakdown resulting in emissions which are likely to affect the local community shall be reported to this Local Authority as well as the Local Authority in whose area the plant is operating immediately.
- 3.3 A copy of this permit shall be kept with the plant at all times during its transport to and use at any location.
- 3.4 The operator shall supply to this Local Authority, on demand and without charge, a copy of all or part of the records kept in accordance with this permit.
- 3.5 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. **A written maintenance programme shall be submitted to this Local Authority with respect to all pollution control equipment and a record of such maintenance programme shall be made available for inspection on request.** 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 for a minimum of two years and made available to the local authority inspector on request.
- 3.6 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.
- 3.7 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.
 - 3.7a 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.
- 3.8 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.
- 3.9 **The Operator shall have 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.**

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 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/188 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

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

Appendix 1

MACHINERY PERMITTED TO BE USED UNDER THIS PERMIT

Serial Number	Machine
GP451733	Gipo R131 Crusher
100499EA	Pegson 1000 Crusher
4050104	Kleeman 122 Jaw Crusher
100598EH	Pegson 1000 Crusher
100583EG	Pegson 1000 Crusher
100640EM	Pegson 1000 Crusher
40079DJXA	Pegson XA400 Jaw Crusher
130239FD/08	Pegson 1300 Cone Crusher
130211EJ	Pegson 1300 Cone Crusher
78834	Metso HD300 Cone Crusher
100625EK	Pegson 1000 Crusher
100550ED	Pegson 1000 Crusher
D05098	Powerscreen Chieftain 2100 3 Deck
D05107	Powerscreen Chieftain 2100 3 Deck
66 14 842	Powerscreen Chieftain 1400 LH
66 15 562	Powerscreen Chieftain 1400
66 16 174	Powerscreen Chieftain 1400 DDLHSh
66 18 496	Powerscreen Chieftain 1400
66 17 470	Powerscreen Chieftain 1400
66 18 757	Powerscreen Chieftain 1400 Rinser
66 19 369	Powerscreen Chieftain 1400
66 19 468	Powerscreen Chieftain 1400
66 20 521	Powerscreen Chieftain 1400
66 20 557	Powerscreen Chieftain 1400
66 21 241	Powerscreen Chieftain 1400 (Mag)
66 22 420	Powerscreen Chieftain 1400
PID00066H75D30023	Powerscreen Chieftain 1400
PID00066P75D30040	Powerscreen Chieftain 1400 LH
PID00066L75D30063	Powerscreen Chieftain 1400
PID00066C75D30066	Powerscreen Chieftain 1400

PID00066J76D30097	Powerscreen Chieftain 1400
PID00066C77D30013	Powerscreen Chieftain 1400
6614374	Powerscreen Chieftain 1400
PID00129A79D00025	Powerscreen Chieftain 1700 3 Deck
120 04 195	Powerscreen Chieftain 1800
124 00 721	Powerscreen Chieftain 2100 3 Deck
124 01 342	Powerscreen Chieftain 2100 2 Deck
124 01 792	Powerscreen Chieftain 2100
124 02 305	Powerscreen Chieftain 2100 3 Deck
124 02 593	Powerscreen Chieftain 2100
72 21 159	Powerscreen Powertrack 800 (RC)
72 20 088	Powerscreen Powertrack 800
72 19 935	Powerscreen Powertrack 800
66 20 242	Powerscreen Powertrack 1400
66 30 103	Powerscreen Powertrack 1400
PID00066C7BD30246	Powerscreen Powertrack 1400
66 09 037	Powerscreen Powertrack 1400
122 03 646	Powerscreen Warrior 1400
122 05 050	Powerscreen Warrior 1400
122 05 356	Powerscreen Warrior 1400
PID00122H7BD10147	Powerscreen Warrior 1400
122 02 521	Powerscreen Warrior 1400 (50mm Fingers)
123 02 989	Powerscreen Warrior 1800
125 00 217	Powerscreen Horizon 6203
125 00 235	Powerscreen Horizon 6203
125 00 316	Powerscreen Horizon 6203
159 00 280	Powerscreen Orion 1400
159 00 262	Powerscreen Orion 1400
135 00 901	Powerscreen Commander Rinser
PID000129T7AD0032	Powerscreen Chieftain 1700 3 Deck

Date of revision: 3rd June 2010



PPC Permit Refs:-PPC/154/163/185/186/187/188/191/192
Revocation ref: 001

Coventry City Council
The Environmental Permitting (England and Wales) Regulations 2010
Regulation 22

Revocation Notice

To Hydrex Equipment UK Ltd.
Hydrex House
Serbert Way
Portishead
Bristol
BS20 7GD
Company No. 01708559

Coventry City Council ("the Council"), in the exercise of the powers conferred upon it by regulation 22 of the Environmental Permitting (England and Wales) Regulations 2010 ("the 2010 Regulations") hereby gives you notice as follows-

On the basis that the Council considers that you are no longer the operator of the mobile plant covered by the following permit reference numbers:-

PPC154, granted to you by this Council on 17th June 2010
PPC163, granted to you by this Council on 17th June 2010
PPC185, granted to you by this Council on 16th June 2010
PPC186, granted to you by this Council on 16th June 2010
PPC187, granted to you by this Council on 16th June 2010
PPC188, granted to you by this Council on 16th June 2010
PPC191, granted to you by this Council on 20th July 2010
PPC192, granted to you by this Council on 20th July 2010

Are hereby revoked with effect from 4th November 2011. (not being less than 20 working days from the date of this notice).

Signed on behalf of Coventry City Council



Date 6th October 2011

An authorised officer of the Council

Guidance for operators receiving a Revocation Notice

(This guidance does not form part of the Revocation Notice, but it is for the guidance of those served with the notice). Further guidance can be found in the PPC General Guidance Manual at

<http://www.defra.gov.uk/publications/files/env-permitting-general-guidance-a.pdf>

Dealing with a Revocation Notice

This notice revokes the permit (in whole or in part) for operation of the installation specified in the Notice.

The revocation/partial revocation takes effect from the date given in the Notice. From that date onwards continuation of the operation of the installation or that part specified will constitute an offence.

Appeals

Except in the case of a revocation for non-payment of charges, operators have the right of appeal against a revocation notice under regulation 31(2)(f) of the 2010 Regulations. The right to appeal also does not apply in circumstances where the notice implements a direction of the Secretary of State/Welsh Ministers given under regulations 61 or 62 or a direction or when determining an appeal.

Appeals against a Revocation Notice will suspend the operation of the Notice. Appeals do not have the effect of suspending permit conditions.

Notice of appeal against a revocation notice must be given before the date specified for revocation of the permit. The Secretary of State/Welsh Ministers 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 charges for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide the Secretary of State or Welsh Minister with the following (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 copy of any relevant application;**
- **a copy of any relevant environmental permit;**
- **a copy of any relevant correspondence between the appellant and the regulator;**
- **a copy of any decision or notice which is the subject matter of the appeal;**
- **and**
- **a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or dealt with by way of written representations.**

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for confidentiality under regulation 48 of the 2010 Regulations, and provide relevant details – see below. Unless such information is provided all documents submitted will be open to inspection. Further guidance on confidentiality can be found in chapter 8 of the PPC General Guidance 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

If an appeal is made, the main parties will be kept 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

The operator and local authority will normally be expected to pay their own expenses during an appeal. Where a hearing or inquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6, either the appellant or the 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 claiming 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.

Offences

The operation of an installation subject to LA-IPPC or LAPPC without the benefit of a permit is an offence under regulation 38(1) of the 2010 Regulations. A person guilty of an offence under this regulation could be liable to (i) on conviction in the Magistrates Court, a fine of up to £50,000 or to imprisonment for a term not exceeding six months or both; or (ii) on conviction in the Crown Court, to an unlimited fine or imprisonment for a term not exceeding five years or both (regulation 38).