



PPC Permit ref: 004  
Variation ref: 006

Coventry City Council  
The Environmental Permitting Regulations 2010 Regulation 17

### **Variation Notice**

Coventry City Council ("the Council"), in the exercise of the powers conferred upon it by regulation 17 of the Environmental Permitting Regulations 2010 ("the 2010 Regulations") hereby gives you a notice as follows-

**City Services and Development Directorate  
Streetpride and Fleet Management  
Civic Centre 4  
City Centre  
Coventry**

The Council has decided to vary the conditions of permit reference 004 granted under regulation 17(1) of the 2010 Regulations in respect of the operation of the installation at:

**Canley Crematorium  
Cannon Hill Road  
Canley  
Coventry  
CV4 7DF**

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

Signed on behalf of Coventry City Council

Date

Environmental Protection Manager  
An authorised officer of the Council

**Schedule 1**

<b>Variation to the Conditions of the Permit</b>	<b>Date(s) on which the variations are to take place</b>
In document B condition 1.3 Table 2 Row 1 DELETE 50mg/m <sup>3</sup> and REPLACE with 50 micrograms/m <sup>3</sup>	Immediately

Signed on behalf of Coventry City Council  
Environmental Protection Manager

Date

An authorised officer of the Council

**Schedule 2**

POLLUTION PREVENTION & CONTROL ACT 1999  
THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2010

**DOCUMENT A : PERMIT**

**Coventry City Council**

Reference Number **PPC/004**

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

**Coventry City Council**

Whose registered office is:

**City Services and Development Directorate  
Streetpride and Fleet Management  
Civic Centre 4  
City Centre  
Coventry**

to operate a Part B installation involving the cremation of human remains as prescribed in Section 5.1 part B (c) of Schedule 1 to The Regulations, at:

**Canley Crematorium  
Cannon Hill Road  
Canley  
Coventry  
CV4 7DF**

The permit is subject to the conditions specified in this document consisting of 12 pages and comprising documents A, B and C, plans PPC/004/A, PPC/004/B, PPC/004/D and Appendix 1.

Signed.....

Sara Roach, Assistant Director Public Safety and Housing  
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 are expressed at reference conditions, 273K, 101.3KPa and 11% oxygen.

Technical Guidance documents used in the preparation of this document:

- Secretary of States Guidance Note PG5/2(12).- Crematoria.
- Secretary of State's Guidance – General Guidance Manual on Policy and Procedures for A2 and B installations

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

Date For Full Compliance: Date of Permit Issue

Permit Prepared By: Rachel Field

## **LEGISLATION**

1. Pollution Prevention and Control Act 1999.
2. The Environmental Permitting (England and 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

Plan PPC/004/D shows the installation boundary. Key plant referred to in the permit and in specific conditions is shown in plans PPC/004/A, and B.

### **Description of Installation**

Coffins are manually loaded into one of four gas-fired cremators with the assistance of a trolley, following removal of non-combustible items such as metal handles, and floral arrangements.

The coffin and human remains are cremated to a fully calcified state.

The remaining bones and ashes are manually transferred into a holding container, and then decanted into the cremulator, where they are ground and reduced in size and transferred into containers for collection by the deceased relatives.

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

<b>Row</b>	<b>Area/Machinery Identification</b>	<b>Pollutants Emitted</b>	<b>Emission Limits and Controls</b>	<b>Abatement Plant Required</b>
1	Facultatieve Technologies 3 Cremator - referred to as "number 1"	<ul style="list-style-type: none"> <li>• Particulates</li> <li>• Hydrogen Chloride</li> <li>• Carbon Monoxide</li> <li>• Volatile Organic Compounds (VOC's)</li> <li>• Mercury Compounds</li> <li>• Dioxins</li> </ul>	1 to 1.18 inclusively	<ul style="list-style-type: none"> <li>• Activated carbon system to remove mercury and particulate (referred to as a Double Flue Gas Treatment Plant)</li> <li>• Combustion requirements to achieve other limits</li> </ul>
2	Facultatieve Technologies 2 Cremator - referred to as "number 2"	<ul style="list-style-type: none"> <li>• Particulates</li> <li>• Hydrogen Chloride</li> <li>• Carbon Monoxide</li> <li>• Volatile Organic Compounds (VOC's)</li> <li>• Mercury Compounds</li> <li>• Dioxins</li> </ul>	1 to 1.18 inclusively	<ul style="list-style-type: none"> <li>• Activated carbon system to remove mercury and particulate (referred to as a Double Flue Gas Treatment Plant)</li> <li>• Combustion requirements to achieve other limits</li> </ul>
3	Facultatieve Technologies 2 Cremator - referred to as "number 3"	<ul style="list-style-type: none"> <li>• Particulates</li> <li>• Hydrogen Chloride</li> <li>• Carbon Monoxide</li> <li>• Volatile Organic Compounds (VOC's)</li> <li>• Mercury Compounds</li> <li>• Dioxins</li> </ul>	1 to 1.18 inclusively	<ul style="list-style-type: none"> <li>• Activated carbon system to remove mercury and particulate (referred to as a Double Flue Gas Treatment Plant)</li> <li>• Combustion requirements to achieve other limits</li> </ul>
4	Facultatieve Technologies 2 Cremator - referred to as "number 4"	<ul style="list-style-type: none"> <li>• Particulates</li> <li>• Hydrogen Chloride</li> <li>• Carbon Monoxide</li> <li>• Volatile Organic Compounds (VOC's)</li> <li>• Mercury Compounds</li> <li>• Dioxins</li> </ul>	1 to 1.18 inclusively	<ul style="list-style-type: none"> <li>• Activated carbon system to remove mercury and particulate (referred to as a Double Flue Gas Treatment Plant)</li> <li>• Combustion requirements to achieve other limits</li> </ul>
5	Cremulator	Particulates	1.4	Not extracted to atmosphere – regulated by health and safety legislation

## DOCUMENT B

### CONDITIONS

All conditions shall have immediate effect unless stated otherwise.

#### 1. EMISSION LIMITS, CONTROLS AND MONITORING

- 1.1 All emissions to air, other than steam or condensed water vapour shall be free from droplets and from persistent visible emissions.
- 1.2 Emissions from the cremators shall, in normal operation (including start up and shut down) be free from visible smoke.
- 1.3 Emissions from each cremator shall not exceed the emission concentration limits as outlined in table 2. Monitoring to demonstrate compliance with these limits shall take place as also detailed in table 2:

**Table 2**

Row	Substance	Concentration Limits *	Monitoring Frequency
1	Mercury	50 micrograms/m <sup>3</sup>	Periodic by 31 <sup>st</sup> March every calendar year
2	Hydrogen chloride (excluding particulate matter)	30 mg/m <sup>3</sup> hourly average	Periodic by 31 <sup>st</sup> March every calendar year
3	Total particulate matter	20 mg/m <sup>3</sup> average	Continuous AND Periodic by 31 <sup>st</sup> March every calendar year
4	Carbon monoxide	100 mg/m <sup>3</sup> reported as 2x 30 minute averages	Continuous with data recorded at 15 second intervals or less AND Periodic by 31 <sup>st</sup> March every calendar year
5	Organic compounds (excluding particulate matter expressed as carbon)	20 mg/m <sup>3</sup> averaged over an hour of cremation	Periodic by 31 <sup>st</sup> March every calendar year
* All limits shall be referenced to 273k, 101.3kPa, 11% oxygen v/v unless otherwise stated			

- 1.4 Emissions from the cremated remains reduction plant ("cremulator") shall not be vented externally.

1.5 The cremators shall operate within the combustion provisions outlined in table 3 with monitoring taking place to demonstrate compliance as also set out in table 3:

**Table 3**

Row	Parameter	Combustion Provision	Type of Monitoring	Monitoring Frequency
1	Temperature	<ul style="list-style-type: none"> <li>• Minimum of 800°C (1073K) in the secondary combustion chamber</li> <li>• Minimum of 850°C (1123K) in the secondary combustion chamber when operating under emergency conditions without abatement on approval by the inspector</li> </ul>	<ul style="list-style-type: none"> <li>• Measure at the exit of the secondary combustion zone; measuring point is the last measuring thermocouple</li> <li>• Automatically record temperature</li> <li>• Visual alarm when temperature falls below 1073k (800°C)</li> <li>• Alarm shall be activated at 75% of the required value or another output level as agreed in writing with the inspector</li> <li>• Automatically record alarm activations</li> <li>• Interlock to prevent cremator loading below 1073k (800°C)</li> </ul>	Continuous
2	Residence time	Minimum 2 seconds residence time in the secondary combustion chamber without correction for temperature, oxygen or water vapour	Measurements and calculation of the volume flow rate of the flue gases throughout the cremation cycle at the cremator exit	Upon commissioning of new or replacement plant
3	Oxygen	At the end of the secondary combustion chamber: <ul style="list-style-type: none"> <li>a) if measured wet, 6% minimum <b>or</b></li> <li>b) if measured dry, 6% average and 3% minimum</li> </ul>	<ul style="list-style-type: none"> <li>• Record concentration at outlet of secondary combustion zone</li> <li>• Visual alarm when concentration is below the average or minimum value required</li> <li>• Alarm shall be activated at 75% of the required value or another output level as agreed in writing with the inspector</li> <li>• Automatically record alarm activations</li> </ul>	Continuous

- 1.6 Continuous monitoring equipment shall be checked for correct functioning and calibrated as detailed in table 4 below:

**Table 4**

Row	Substance	Check Required	Frequency of Check
1	Total particulate matter	Service according to manufacturers' instructions  Calibrate and set reference levels at which alarm will activate according to results of periodic monitoring	By 31 <sup>st</sup> March every calendar year  By 31 <sup>st</sup> March every 3 calendar years
2	Carbon monoxide	Comparison with results from periodic monitoring and subsequent calibration or repair of continuous emissions monitor as necessary	By 31 <sup>st</sup> March every calendar year

- 1.7 All continuous monitoring readings shall be on display to appropriately trained operating staff.
- 1.8 All continuous monitoring equipment shall provide reliable data at least 95% of the total operating time (i.e. availability >95%). An automatic or manual system shall be in place to detect instrument malfunction and to monitor the operating time and availability.
- 1.9 Dilution air may be added for waste gas cooling or improved dispersion on written approval by the inspector where it is demonstrated that this is necessary due to the operational requirements of the plant. However, the introduction of dilution air shall not be used as a method to comply with the emission concentration limits outlined in condition 1.3.
- 1.10 All 4 cremators shall be fitted with activated carbon abatement systems in order to meet the mercury emission concentration limit outlined in condition 1.3. There shall be 2 mercury abatement plant systems serving 2 cremators each.
- 1.11 Cremations shall only take place when the activated carbon abatement systems are in use and fully functioning, and the reagent weight available exceeds 1kg.
- 1.12 The weight of the activated carbon reagent available for use shall be recorded automatically and displayed on the 2 control screens in the control room. The display will be checked a minimum of twice per day, the first occasion being before cremations begin. When the weight of the activated carbon reagent falls to 1kg, the operator shall add further reagent to the system. All such checks and additions to the weight of reagent shall be recorded to include the date and time of the check plus any action taken.
- 1.13 Non-continuous (periodic) emissions monitoring of particulate matter should be carried out according to the main procedural requirements of EN-13284-1.

- 1.14 At least 14 days notice of any non-continuous (periodic) testing to demonstrate compliance with emission limits shall be given to the Authority. The submission of the proposed monitoring protocol is required as part of the notification and shall include the provisional date and time of monitoring, pollutants to be tested and the methods to be used. For more information on the monitoring protocol requirements please see the Supplementary Notes to this permit.
- 1.15 Reports on the non-continuous (periodic) emissions monitoring required by condition 1.3 shall be forwarded to the Authority within 8 calendar weeks of the monitoring taking place.
- 1.16 Floral tributes and other items placed on/with the coffin shall be removed before cremation.
- 1.17 The cremators shall be designed and operated to prevent the discharge of smoke or fumes during charging.
- 1.18 Any cremator which has been identified as being defective and incapable of operation within the conditions of this permit shall not be operated until such time that effective repair has been completed, unless prior written approval by the regulator has been given.

## **2. MONITORING, INVESTIGATING AND REPORTING**

- 2.1 The operator shall keep records of all inspections, tests and monitoring undertaken whether carried out in-house by staff or external contractors on site for at a minimum of 2 years from the date of the activity. Such records shall be made available to the inspector on request. Where it is not possible to keep records on site they shall be made available to the inspector within 5 working days of any request. Media used to store electronic records shall be backed up to minimize loss due to hardware failure.
- 2.2 Adverse results from any monitoring activity (both continuous and periodic) shall be investigated by the operator as soon as the monitoring data is obtained. The operator shall then:
- Identify the cause and take the necessary corrective action and
  - Clearly records as much details as possible regarding the cause and extent of the adverse results and the corrective action taken and
  - Re-test to demonstrate compliance with the appropriate emission limits or combustion provisions as soon as is practically possible and
  - Inform the regulator of the steps taken and the re-test results

## **3. INFORMATION REQUIRED BY THE REGULATOR**

- 3.1 For each cremator, for carbon monoxide, and for particulate matter, the operator shall report the following continuous monitoring values to the regulator every calendar month.
- the 95-percentile value for each period.
  - values that exceed the 95% percentile value for carbon monoxide and particulate matter in that period
  - 60 minute mean emission values that exceed the 100% limit for carbon monoxide and particulate matter in that period for each cremation
  - a list of the highest 60 minute mean emission value for each period

- where any values have been exceeded in any monthly reporting period, the number of times that the limit was exceeded during the period, the levels of exceedance and the time, date and cremation reference
- 3.2 For temperature and oxygen, the operator shall report the following continuous monitoring values to the regulator every calendar month
- secondary chamber entrance temperature monthly maximum and minimum (of 5 minute averages)
  - secondary chamber exit temperature monthly maximum and minimum (of 5 minute averages)
  - oxygen concentration monthly minimum (of 5 minute averages)
  - where any values have been exceeded in any monthly reporting period, the number of times that the value was exceeded during the period, the levels of exceedance and the time, date and cremation reference

#### **4.0 MATERIALS HANDLING**

- 4.1 The remains in the cremators shall only be moved when calcination is completed.
- 4.2 Removal of ash and non-combustible residues shall be undertaken so as to prevent dust emissions.
- 4.3 Cremated remains shall only be reduced in size to form ash and decanted into storage containers within the cremulator.
- 4.4 Ashes shall only be moved within closed lidded containers.
- 4.5 The operator shall take steps to ensure that funeral directors are regularly made aware of the following restrictions on coffin type or cadaver preparation
- PVC and melamine should not be used in coffin construction or furnishings.
  - Cardboard coffins should not contain chlorine in the wet-strength agent. (e.g. not using polyamidoamine-epichlorhydrin based resin (PAA-E))
  - Packaging for stillbirth, neonatal and foetal remains should not include any chlorinated plastics
  - Coffins should not contain lead or zinc

#### **5. VENTS AND PROCESS EXHAUSTS**

- 5.1 All products from combustion within the cremators numbered 1, 2, 3 and 4 as shown on plan PPC/004/A shall be discharged through the 16.5m (above ground level) stack, shown on plan. PPC/004/B. The stack shall not be fitted with a cap, cowl or other restrictive device.

#### **6. GAS USAGE**

- 6.1 By 31<sup>st</sup> August 2012 the operator shall keep records of quarterly gas consumption for inspection by the regulator. This can be achieved through the comparison of quarterly bills or the installation of gas meters.

## 7. MAINTENANCE OF PLANT AND EQUIPMENT

- 7.1 Effective preventative maintenance and cleaning shall be employed on all aspects of the activity including all plant, buildings, flues/stacks and the equipment concerned with the control of emissions to air. Records of such maintenance whether undertaken by on site staff or an external contractor shall be kept for a minimum of 2 years from the date of the activity and shall be made available for inspection by the regulator on request.
- 7.2 The operator shall have a written maintenance and cleaning programme for all aspects of the activity outlined in condition 5.1 and record all such maintenance and cleaning undertaken. The programme shall include all activities undertaken by the on site staff and external contractors/service engineers and as a minimum cover:
- Cleaning of control instrumentation
  - Cleaning of the cremators secondary combustion chambers
  - Cleaning of ducts and flues and abatement plant
  - Inspection, repair and replacement of brick, flue, control software and hardware, monitoring equipment, abatement plant and other filters
- 7.3 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 from guaranteed suppliers so that plant breakdowns can be rectified rapidly. 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.
- 7.4 The operator shall draw up a written plan for dealing with emergencies that may give rise to mass fatalities which addresses the need for additional spares and consumables and the training of staff in accordance with conditions 6.4 and 6.7.
- 7.5 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.
- 7.6 The operator shall ensure that staff at all levels receive the necessary training and instruction in their duties relating to the control of the process and emissions to air. All such training shall be recorded and appropriate records held on site for a minimum of 2 years from the date of the activity. As a minimum this 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 or adverse emissions and
  - minimizing emissions on start up and shut down and
  - refer to the Crematorium Technicians' Training Scheme or to the Training and Examination Scheme for Cremation Technicians'
- 7.7 Operators shall put in place a 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.

## 8. ABNORMAL EVENTS

- 8.1 Where there are abnormal emissions, or malfunction or breakdown leading to abnormal emissions the operator shall:
- Investigate and undertake remedial action immediately and
  - Adjust the process or activity to minimize those emissions and
  - Promptly clearly record the events and action taken
- 8.2 The operator shall advise the regulator without delay, whether or not there is related monitoring showing an adverse result:
- if there is an emission that is likely to have an effect on the local community; **or**
  - the failure of key arrestment plant **or**
  - in the event of the use of the bypass or emergency relief vents
- 8.3 The operator shall have a written procedure for dealing with the failure of the mercury abatement plant. This shall be forwarded to the authority for approval.

## **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.

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/004 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 2007. It must not be taken to replace any workplace responsibilities the operator has under Health & Safety legislation. Whenever emission limits quoted in this Permit conflict with occupational exposure limits set under the Health and Safety at Work Act 1974 to secure the health, safety or welfare of persons at work, the tighter limit should prevail. The Installation must be operated in order to protect persons at work as well as the environment. In achieving conditions in this Permit the operator must not adopt any course of action that would put at risk the health, safety or welfare of persons at work.

### **Other Statutory Requirements**

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

This Permit does not authorise a contravention of any other enactment or any order made, granted or issued under any enactment, nor does it authorise a contravention of any rule or breach of any agreement. The Operator is advised to consult the relevant Planning Department regarding changes that may be required as a result of this Permit (e.g. stack heights) as they may require planning permission.

### **Transfer of Permits**

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

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

The local authority will then determine whether to allow the transfer within a two-month period, unless the local authority and the applicants agree a longer period.

Where the local authority approves the transfer, the transfer will take effect from the date requested by the operator or a date that may be agreed by the local authority and the applicants.

### **Variation to Permits**

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

- Change of operation of the installation.
- 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**

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Fax: 0870 600 5533 or e-mail: [book.orders@tso.co.uk](mailto:book.orders@tso.co.uk)

### **Emission Monitoring Protocol**

The documented procedure by which reliable and comparable results are obtained from measurements at source is known as a Protocol. Protocols ensure that the sampling procedures are carried out correctly and that the results obtained accurately characterise the process.

The main components of a Protocol are as follows:-

1. Calibre and quality of the sampling team.
2. A reference measurement method (standard methods may not always be available)
3. A standard methodology setting out:
  - Health and safety considerations
  - Pollutants of interest
  - Plant operating conditions required
  - Selection and location of sampling position
  - Sampling characteristics (e.g. isokinetic etc) and techniques
  - Sampling frequency
  - Sampling duration
  - Number of samples
  - Type (including make and model), condition and suitability of sampling equipment
  - Required accuracy
  - Variability of emissions
  - Analytical methods including laboratory competence and NAMAS accreditation certificate copy for each pollutant of interest
  - Analytical precision
  - Procedures to be adopted if standard methods unavailable
  - Calibration certificate(s) for sampling equipment
  - Quality Control and Quality Assurance procedures
  - Presentation of results and associated information.

# Guidance for Operators receiving a Variation Notice

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

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 2010 Regulations).

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

## **National Security**

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