

Coventry City Council
The Pollution Prevention and Control (England and Wales) Regulations 2000
Regulation 24

Enforcement Notice

To The Company Secretary

Of Coventry Castings Ltd, 11 Highdown Road, Sydenham, Highdown House,
 Leamington Spa CV31 1XT

Coventry City Council ("the Council") in the exercise of the powers conferred upon it by regulation 24 of the Pollution Prevention and Control (England and Wales) Regulations 2000¹ ("the 2000 Regulations"), is of the opinion that you are contravening a condition of the installation permit ref. PPC/093 as detailed in attached Schedule 1 at the premises known as:

Coventry Castings Ltd
Barlow Road
Aldermans Green Industrial Estate
Coventry
CV2 2LD

And the Council hereby gives you notice as follows:

In accordance with regulation 24(2) you are required to take the action detailed in attached schedule 2 to remedy the contravention or the matters making it likely that the contravention will arise.

Signed on behalf of Coventry City Council

.....
Designation: Environmental Health Officer
An authorised officer of the Council

Date: 4th July 2006

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

SCHEDULE 1

Details of Conditions Likely to Be / Breached

Clause 3.5: All dusty or potentially dusty materials shall be stored in silos, in covered containers, sheeted or kept wet to minimise wind whipping.

SCHEDULE 2

Steps to be Taken	Date(s) by which steps must be completed
Scrap metal shall be stored either inside the process building, or in covered containers, or in a three sided enclosure, or be sheeted at all times or be kept wet at all times to minimise wind whipping.	1st August 2006

Signed

..... Date: 3rd July 2006

Designation

Environmental Health Officer.

(an Authorised Officer of the Council)

Guidance for Operators receiving an Enforcement Notice

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

Dealing with an Enforcement Notice

This notice requires you to take the steps specified in the Notice, by the given date in order to comply with the conditions of your Permit which, in the opinion of the Council are being / likely to be breached.

Failure to comply with the terms of this Notice is an offence under regulation 32(d) of the 2000 Regulations. .

Appeals

Under regulation 27(2) of the 2000 Regulations operators have the right of appeal against an Enforcement Notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State given under regulations 12(15) (directions to regulators), 36 (general directions to regulators), paragraph (4) of regulation 27 (Appeals), paragraph 14(6) of Schedule 4 (directions determining applications for Permits) or 6(6) of Schedule 7 (directions determining variation of Permits).

Appeals against an Enforcement Notice do not suspend the operation of the Notice. Appeals do not have the effect of suspending the remaining permit conditions. Notice of appeal against an Enforcement Notice must be given within 2 months of the date of the Notice. 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 charges for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide (see Schedule 8 of the 2000 Regulations, paragraph 1):

- written notice of the appeal;
- a statement of the grounds of appeal;
- a statement indicating whether the appellant wishes the appeal to be dealt with by written representations procedure or a hearing - a hearing must be held if either the appellant or enforcing authority requests this, or if the Planning Inspector or the Secretary of State decides to hold one.
- (appellants must copy the above three items to the local authority when the appeal is made)
- a copy of any relevant application;
- a copy of any relevant Permit;
- a copy of any relevant correspondence between the appellant and the regulator; and
- a copy of any decision or notice, which is the subject matter of the appeal.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for commercial confidentiality under regulation 31 of the 2000 Regulations, and provide relevant details. Unless such information is provided all documents submitted will be open to inspection.

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

Where to send your appeal documents

Appeals should be despatched on the day they are dated, and addressed to:

The Planning Inspectorate
Environmental Appeals Administration
Room 4/19 - Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

On receipt of an appeal and during the appeal process the main parties will be informed about the next steps, and will also normally be provided with additional copies of each other's representations.

To withdraw an appeal – which may be done at any time - the appellant must notify the Planning Inspectorate in writing and copy the notification to the local authority who must in turn notify anyone with an interest in the appeal.

Costs

Guidance from the Planning Inspectorate states that operator and regulator would be normally expected to pay their own expenses during an appeal. Where a hearing or enquiry is held as part of the appeal process, by virtue of Schedule 8, paragraph 4(10) of the 2000 Regulations, either the appellant or the local authority can apply for costs. Applications for costs are normally heard towards the end of the proceedings and will only be allowed if the party 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

Failure to comply with an Enforcement Notice is an offence under regulation 32 of the 2000 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £20,000 or imprisonment for a term not exceeding 6 months or both; or (ii) to a fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in Magistrates or Crown Court.