



Coventry City Council

EP Permit ref: PPC/121  
Variation ref: 001

Coventry City Council  
The Environmental Permitting (England and Wales) Regulations 2007  
Regulation 20 [and Regulation 18 in relation to consolidated permits]

**Variation Notice**

To: **Snax 24 Ltd**  
**110 Cannon Street**  
**London**  
**EC4N 6AR**

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 2007<sup>1</sup> ("the Regulations") hereby gives you a notice as follows-

The Council has decided to vary the conditions of permit reference PPC/121 granted under regulation 13(1) of the 2007 Regulations in respect of the operation of the installation/mobile plant at:

**Snax 24 Ltd**  
**168-170 Lockhurst Lane**  
**Coventry**  
**CV6 5HN**

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

Neil Chaplin  
Environmental protection officer

An authorised officer of the Council

Date... 10th March 2009

EP Permit ref: PPC/121  
Variation ref: 001

<sup>1</sup> S.I. 2007 No. 3538

**Schedule 1**

<p style="text-align: center;"><b>Variation to the Conditions of the Permit</b></p> <p><b>Document B</b></p>	<p><b>Date on which the variations are to take place</b></p>
<p><b>Section 3 - Stage II Operations</b></p> <p><b>3.1. Vapours displaced by the filling of petrol into vehicle petrol tanks shall be recovered by the use of a Stage II vapour recovery system. Filling of vehicle petrol tanks shall not take place unless the system is in place and fully functional.</b></p> <p><b>3.2. The vapour recovery system referred to in Condition 1 shall:</b></p> <ul style="list-style-type: none"> <li>• <b>Be approved for use under the regulatory regime of at least one European Union or European Free Trade Association country and must be designed, installed and tested in accordance with the relevant British, European or International Standards</b></li> <li>• <b>Be certified by the manufacturer to have a hydrocarbon capture efficiency of not less than 85%.</b></li> </ul> <p><b>A certificate to confirm such compliance shall be retained at the petrol station with the logbook.</b></p> <p><b>3.3. Petrol delivery and vapour recovery systems for vehicle petrol tanks shall be tested in accordance with the manufacturers prior to commissioning and for</b></p> <ul style="list-style-type: none"> <li>a) <b>Vapour containment integrity at least once every three years and always following substantial changes or significant events that lead to the removal or replacement of any of the components required to ensure the integrity of the containment system.</b></li> <li>b) <b>Effectiveness of the vapour recovery system at least once every three years where an automatic monitoring system is in place and once every year where automatic monitoring is not installed.</b></li> </ul> <p><b>3.4. The effectiveness of the vapour recovery system referred to in Condition 3.3b shall be tested in accordance with the appropriate method:</b></p> <ul style="list-style-type: none"> <li>i) <b>Open Active Vapour Recovery System - By measuring the ratio of the volume of vapour recovered to liquid petrol dispensed [from here</b></li> </ul>	<p style="text-align: center;"><b>1st January 2010</b></p>

on referred to as 'the vapour/petrol (V/P) ratio']. The V/P ratio shall be at least 95% and where the vapours are recovered into the fuel storage tank, not greater than 105% to avoid excessive pressure build up and consequent release through the pressure relief valves. The V/P ratio shall be determined by simulating the dispensing of petrol using measuring equipment approved for use in any European Union or European Free Trade Association country. The method to be used shall involve measuring the volume of air recovered with fuel flow simulated at the dispenser and read electronically using the approved measuring equipment. This provides the ratio of air recovered to liquid dispensed (air/liquid ratio) which should then be corrected to provide the V/P ratio using an appropriate factor to account for the difference in viscosity between petrol vapour and air ('K-factor')

ii) Other systems - In accordance with the manufacturer's specification with details of this testing retained with the logbook

3.5. The automatic monitoring system referred to in Condition 3.3b shall:

- Automatically detect faults in the proper functioning of the petrol vapour recovery system including the automatic monitoring system itself and indicate faults to the operator. A fault shall be deemed to have occurred where continuous monitoring during filling of vehicle petrol tanks indicates that the V/P ratio averaged over the duration of filling has fallen below 85% or has exceeded 115% for ten consecutive filling operations. This only applies to filling operations of at least 20 seconds duration and where the rate of petrol dispensed reaches at least 25 litres per minute.
- Automatically cut off the flow of fuel on the faulty delivery system if the fault is not rectified within 1 week
- Be approved for use under the regulatory regime of at least one European Union or European Free Trade Association country.

3.6. The operator must undertake a check at least once per week to verify the functionality of the system for the recovery of vapours from vehicle petrol tanks. This check shall include:

- A test of functionality using appropriate equipment (only where automatic monitoring is not employed)
- A visual inspection for torn, flattened or kinked hoses and damaged seals on vapour return lines.

The results of the inspection shall be recorded in the site logbook.

3.7. The operator shall notify this Local Authority immediately if the results from any monitoring or tests required by Conditions 3.3, 3.4,

<p>3.5 &amp; 3.6 identifies adverse results, equipment failure, leaks or if there is likely to be an effect on the local community.</p> <p><b>Documents A,B &amp; C</b></p> <p>Delete all references to Pollution Prevention and Control Regulations 2000 and associated guidance and replace with the Environmental Permitting Regulations 2007 and associated guidance</p>	<p>Immediately.</p>
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Signed on behalf of Coventry City Council

..... Date..... *10th March 2009*

Neil Chaplin  
**Environmental protection officer**  
 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 2007 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 2007 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 of the appeal. The secretary of State may in a particular case allow notice of appeal to be given after the expiry of this period, but would only do so in the most compelling circumstances.

### **How to appeal**

There are no forms or changes for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide (see 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 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 2007 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 2007 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 48, Environmental Permitting Regulations 2007).

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.