



PPC Permit ref: **006**
Variation ref: **002**

Coventry City Council
The Pollution Prevention and Control (England and Wales) Regulations 2000 Regulation 17

Variation Notice

Websters Hemming and Sons Ltd
Midland Brickworks
274 Stoney Stanton Road
Coventry
CV6 5JD

Coventry City Council ("the Council"), in the exercise of the powers conferred upon it by regulation 17 of the Pollution Prevention and Control (England and Wales) Regulations 2000¹ ("the 2000 Regulations") hereby gives you a notice as follows-

The Council has decided to vary the conditions of permit reference **006** granted under regulation 9(1) of the 2000 Regulations in respect of the operation of the installation at:

Websters Hemming and Sons Ltd
Midland Brickworks
274 Stoney Stanton Road
Coventry
CV6 5JD

The variation of the conditions of the permit and date on which they are to take effect are specified in Schedule 1 to this notice. A consolidated permit as varied by this notice and Variation Notice reference number **001** is set out in Schedule 2.

Signed on behalf of Coventry City Council

.....
Senior Environmental Health Officer
An authorised officer of the Council

Date 23rd June 2006.....

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

Schedule 1

Variation to the Conditions of the Permit	Date(s) on which the variations are to take place
<p>In Document B, General Operations, replace the text of Clause 8.3 with the following:</p> <p>Effective operational and maintenance systems shall be employed on all aspects of the installation whose failure could impact on the environment, in particular there shall be:</p> <ul style="list-style-type: none"> • documented operational control procedures • a documented preventative maintenance schedule, covering all plant whose failure could lead to impact on the environment which is reviewed and updated annually • documented procedures for monitoring emissions. 	<p>Immediately</p>
<p>In Document B, General Operations, insert a new Clause 8.3a:</p> <p>The regulator shall be provided with a list of key process equipment and abatement equipment. Such equipment shall be provided with alarms or other warning systems which indicate equipment malfunction or breakdown. Such warning systems shall be maintained and checked to ensure continued correct operation, in accordance with the manufacturer's recommendations.</p>	<p>Immediately</p>
<p>In Document B, General Operations, insert a new Clause 8.3b:</p> <p>Essential spares and consumables shall be held on site or be available at short notice from suppliers, so that plant breakdown can be rectified rapidly. Records of breakdowns shall be kept for a minimum of two years and shall be</p>	<p>Immediately</p>

<p>available for inspection on request.</p> <p>In Document B, General Operations, replace the text of Clause 8.4 with the following:</p> <p>Training systems, covering the following items, shall be in place for all relevant staff:</p> <ul style="list-style-type: none"> • awareness of the regulatory implications of the permit • awareness of all potential environmental impacts under normal and abnormal circumstances • awareness of the procedures for dealing with a breach of the permit conditions • prevention of accidental emissions and action to be taken when accidental emissions occur • awareness of all operating procedures <p>Records of training needs and training received for these personnel shall be maintained, and retained on site for a minimum of two years.</p> <p>In Document B, General Operations, insert a new Clause 8.5a:</p> <p>There shall be written procedures for investigating incidents, (and near misses) including identifying suitable corrective action and following up.</p> <p>In Document B, General Operations, insert a new Clause 8.8;</p> <p>Operators shall 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.</p>	<p>Immediately</p> <p style="text-align: center;"> </p> <p>Immediately</p> <p>Immediately</p>
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Signed on behalf of Coventry City Council

.....
 Senior Environmental Health Officer
 An authorised officer of the Council

Date.....

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Schedule 2 (Example)

Permit reference **006** as varied by this notice and variation notice **001**.

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).

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 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 improvement 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 Court or Crown Court.

Appeals

Under regulation 27(2) of the 2000 Regulations operators have the right to appeal against a suspension 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 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 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 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 2000 Regulations).

Local Authorities will also take into account whether the information at issue could be obtained or inferred from other publicly accessible sources.

The local authority will determine this request within 28 days of the date of such an application and will issue a Determination Notice detailing their decision. The notice may specify a time period over which the information is to remain commercially confidential (if not specified, it will be four years beginning with the date of the determination). The operator may appeal to the Secretary of State within 21 days of the notification of the decision.

If the application is granted the local authority will place a statement on the public register stating that certain information has been withheld and stating the reason why, plus whether the information is relevant to a permit condition, and whether the permit condition has been complied with.

The local authority may consider that certain areas of the information are commercially confidential, and others are not. If this is the case it will be stated in the determination notice. The operator may appeal against this in the normal manner.

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.