

POLLUTION PREVENTION AND CONTROL ACT 1999

Pollution Prevention and Control (England and Wales) Regulations 2000, Regulation 28(2)

PPC Permit ref: 12/92

Information
Request ref:

PPC 15/07

Request for Information Notice

From: Huntingdonshire District

Council ("the Council")

To: ⁽¹⁾

Clark Drain Limited
Shield House
Station Road
Yaxley, PE7 3EQ

The Council, in the exercise of the powers conferred upon it by Regulation 28(2) of the Pollution Prevention and Control (England and Wales) Regulations 2000⁽²⁾ ("the 2000 Regulations"), hereby requires you :-

(a) to furnish the Council at the address set out below the information specified in the Schedule attached to this Notice ("the Schedule"), being information which the Council reasonably considers that it needs for the purpose of the discharge of its functions under the 2000 Regulations; and

(b) to furnish that information [~~in writing~~ / in electronic format compatible with E-PRTR system] within the period specified in the Schedule.

- (3) Environmental Protection Team
Environmental and Community Health Services
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN



Signed on behalf of the Council



Designation Head of Environmental and Community Health Services

An authorised officer of the Council

Dated 12 March 2008

(1) The operator at the address shown on their permit / application.
(2) S.I. 2000 No. 1973 to which there are amendments not relevant to this information notice.
(3) Enter council address

Schedule

Information to be supplied to the Council	Format of the submission	Deadline for the submission
All information required to be reported by operators of facilities in accordance with Article 5 of the regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register for the 2007 calendar reporting year	To be submitted on the electronic E-PRTR Data Submission Sheet attached with this Notice	28 April 2008

Dated 12 March 2008

Signed



PA

Designation Environmental Protection Team Leader

An authorised officer of the Council

Guidance for Operators receiving a Request for Information Notice

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

1. Dealing with a Request for Information Notice

This notice requests information, which the Council considers it requires for the purposes of the discharge of its functions under the Pollution Prevention and Control (England and Wales) Regulations 2000.

The [legal person/individual] named in this notice is required to supply the information detailed in the Notice or attached Schedule within the timescale specified.

If you have recently applied for a permit under the LA-IPPC or LAPPC regimes, the information to be provided will assist the Council in the swift determination of the application.

If you fail to provide the information specified in the notice by the given date, it is open to this authority to deem your application for a permit to have been withdrawn (Schedule 4, paragraph 4 of the PPC regulations).

2. Exclusion from registers of certain confidential information

(a) Commercial Confidentiality

An operator may request certain information within an application or associated request for 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. 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 request 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 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 indicating the existence of information which has been withheld and stating the reasons why, [plus whether this 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 Guidance.

(b) National Security

Information may be excluded from the public register on grounds of national security. If it is considered that the inclusion of the information requested by this notice 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

Offences

Failure to comply with a Request for Information Notice is an offence under regulation 32(e) of the 2000 Regulations. A person guilty of an offence under this regulation could be liable (i) on summary conviction, a fine not exceeding the statutory maximum (currently £5000); or (ii) on conviction, to a fine or imprisonment for a term not exceeding 2 years or both.