

EP Permit ref: B01/92

Variation ref: PPC 45/11

Variation Notice

From: Huntingdonshire District

Council ("the Council")

To: ⁽¹⁾

Burgess & Walker Transport
Old Railway Industrial Estate
Needingworth Road
St Ives
PE27 5JB

Huntingdonshire District Council ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010) ⁽²⁾ ('the 2010 Regulations') hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference B01/92 granted under regulation 13(1) of the 2010 Regulations in respect of the operation of the installation/~~mobile plant~~ at

Burgess & Walker Transport
Old Railway Industrial Estate
Needingworth Road
St Ives
PE27 5JB

The variation of the conditions of the permit and the 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 ~~and by variation notices ref~~ is set out in Schedule 2].]

~~[You are hereby required to pay by no later than the sum of £~~
~~- the fee prescribed in respect of a variation notice in the relevant charging scheme made under regulation 65 of the 2010 Regulations [and/or section 41 of the Environment Act 1995 for LA-IPPC only where there are separate charges in relation to water discharges ⁽³⁾].~~

Signed on behalf of Huntingdonshire District

Council

Dated 02 March 2012

Signed 

Designation Head of Environmental and Community Health Services

An authorised officer of the Council

(1) The operator at the address shown on permit / application
(2) SI 2010/675, as amended
(3) 1995 c.25.

Delete words in square brackets which do not apply.

EP Permit ref: B01/92
Variation ref: PPC45/11

Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place
Vary all permit conditions.	02 March 2012

Signed on behalf of Huntingdonshire District

Council

Dated 02 March 2012

Signed



Designation Head of Environmental and Community Health Services

An authorised officer of the Council

EP Permit ref: B01/92
Variation ref: PPC45/11

Schedule 2

Permit reference B01/92

as varied by this notice and

~~variation notices~~

{and

}

(Insert amended or full consolidated permit).

PERMIT

Pollution Prevention and Control Act 1999

Environmental Permitting (England and Wales) Regulations 2010

Permit Reference: B01/92
As varied by: PPC18/05

Huntingdonshire District Council (the regulator) hereby permits Burgess & Walker Transport Old Railway Industrial Estate Needingworth Road St Ives, Cambridgeshire PE27 5JB to operate a small waste oil burner as defined in Part 2 of Schedule 1 to the EP Regulations Section 1.1 Part B (b), and as described below in accordance with the following conditions which shall apply forthwith.

Address of permitted activity: Burgess & Walker Transport
Old Railway Industrial Estate
Needingworth Road
St Ives
PE27 5JB

Location plan can be seen on B01/92 (a) Location plan

Description of Activity

The burning of waste oil generated on site in a Davair Heating Ltd identified as Davair 160, with a net rated thermal input of less than 0.4MW at the above address subject to the following conditions.

Conditions

1. Only hydrocarbon based oils arising from the draining of engines, gearboxes and other lubrication systems at the premises whose address is given above shall be burned on the appliance.
2. The following shall at no time be burned on the appliance:
 - (a) Any halogenated materials.
 - (b) Polycyclic or polyaromatic compounds arising other than by use as a lubricating oil.
 - (c) Low temperature flash point fuels or solvents (less than 40°C determined by the Pensky-Marten closed cup method).
 - (d) Surface coating materials, e.g. paint.
3. Where any modification to the combustion appliance is intended, with the exception of the fitting of standard replacement parts, details of the modification shall be notified to the regulator and approval obtained prior to the modification being undertaken.

4. All emissions to air shall be free from visible smoke and in any event shall not exceed the equivalent of Ringelmann Shade 1 as described in British Standard BS 2742: 1969. In the case of lighting from cold, emissions of smoke shall not exceed Ringelmann Shade 1 for more than 1 minute.
5. Where the operator observes smoke emissions which contravene the provisions of condition 4 above, the operator shall record the date and time that the emission occurred in a log book. Records of such emissions shall be retained for a minimum of 2 years.
6. Where smoke emissions occur, with the exception of the allowance for lighting from cold in condition 4 above, the appliance shall be switched off and the cause identified and rectified before the appliance is re-lit.
7. The handling and storage of waste oil shall be carried out to minimise the emission of odorous vapours to the air.
8. The appliance shall only be re-fuelled when cold.
9. The appliance shall be cleaned and ash shall be removed in accordance with the manufacturer's instructions for that appliance.
10. Suitable precautions shall be taken in the handling and disposal of ash, dust or other residues to minimise any emission to atmosphere. The material shall be collected, contained and transported in sealed bags or other dust tight containers.
11. Clear instructions shall be available at all times on or near the appliance detailing the correct operation and maintenance of the equipment.
12. Each appliance shall be serviced regularly in accordance with the manufacturer's instructions. Records of manufacturer's or contractor's servicing shall be retained for a minimum of 2 years.
13. The appliance shall be permanently ducted to a stack, which shall terminate at a height agreed with the regulator.
14. The stack shall discharge vertically upwards, and shall not be fitted with any restriction at the final opening, such as a plate, cap or cowl.
15. All staff who are nominated to operate the appliance shall be trained in, and fully conversant with, its operation. Only nominated persons shall operate the appliance. Staff operating vapourising burners shall be particularly conversant with the correct procedure for lighting from cold.
16. A supply of a suitable oil-absorbent material shall be maintained on the site, and any liquid spillages shall be cleaned up immediately.

17. The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.
18. If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition 'change in operation' means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

Signed:



Head of Environmental and Community Health Services 

Date:

2 March 2012

GENERAL NOTES

1 Variation

The regulator will ensure that the permit remains up to date in line with the requirements set out in Regulation 20(1). This may involve issuing a Variation Notice following amendment to the Secretary of State's Guidance Notes or following receipt of any direction from the Secretary of State.

2 Review of Conditions

The regulator may at any time undertake a review of the conditions in this permit under Regulation 34(1). Where significant pollution is encountered or where there are changes in BAT or where the operational safety of the activity requires other techniques to be used an immediate review shall be undertaken.

3 Appeal

The permitted operator can appeal in writing to the Secretary of State against the items listed in Regulation 31.

Appeals shall be addressed to:

The Planning Inspectorate
Environment Team, Major & Specialist Casework
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol, BS1 6PN

4 Transfer of Permit

The permitted operator who wishes to transfer the whole or part of the permit to a person who proposes to carry out the activity in the holder's place may do so in accordance with Regulation 21. Both the operator and the proposed transferee shall jointly make an application to the regulator to effect the transfer. An application shall include the permit and any fee prescribed in respect of the transfer under Regulation 19 and shall contain the operator's and the proposed transferee's contact details.

5 Variation of Conditions of Permits

Under Regulation 20, the operator may apply to the regulator to vary the conditions contained within the permit. Such application shall be made in accordance with Part 1 of Schedule 5 and shall be accompanied by any fee prescribed in respect of the application under Regulation 19; and paragraphs 8 of Part 1 of Schedule 5 and paragraphs 5(3) and (4) of schedule 5 shall have effect with respect to such applications.

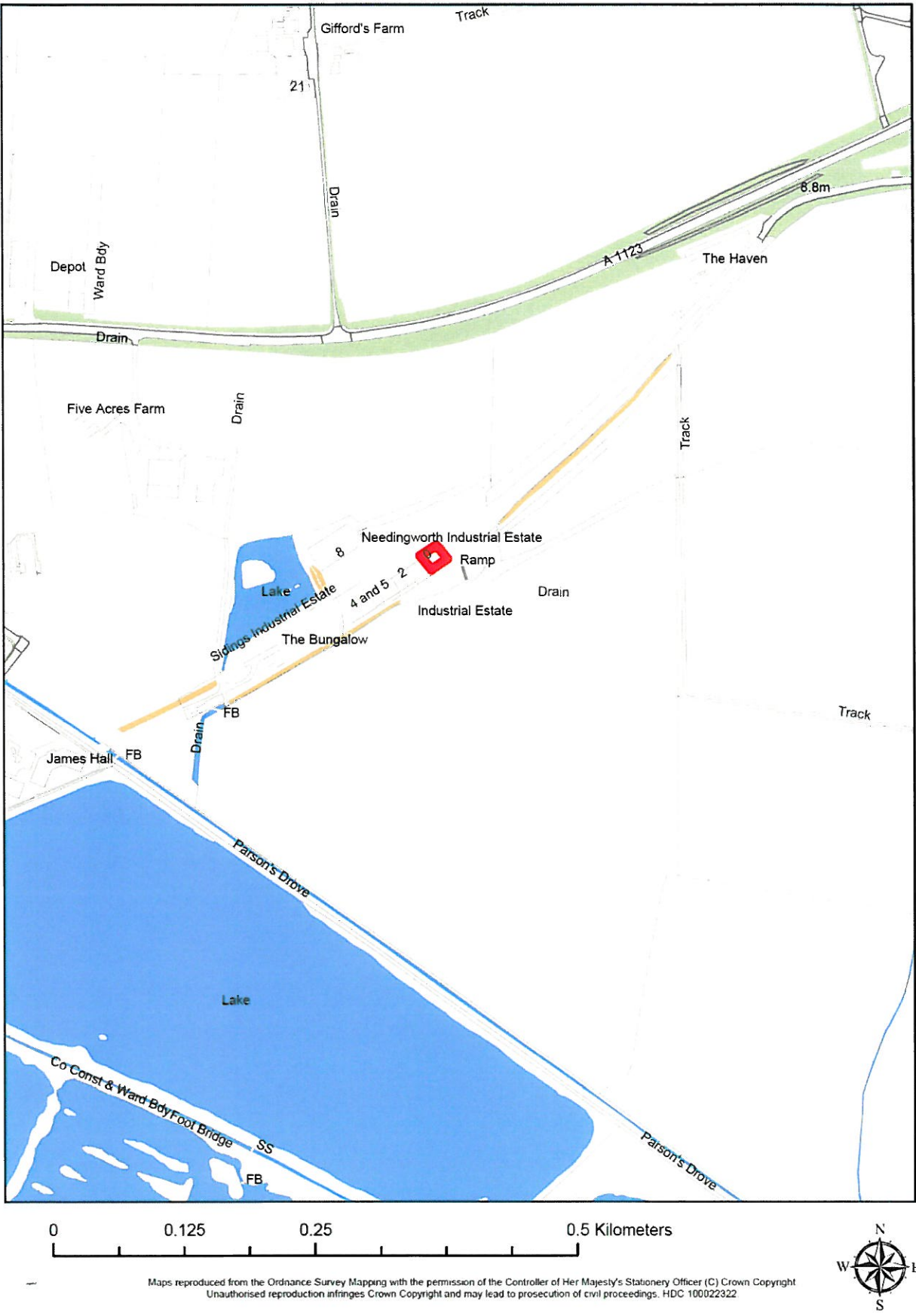
6 Other Legal Requirements

This permit is issued solely for the purpose of the Pollution Prevention and Control Act and its associated Regulations and the operator must ensure that he complies with all other statutory requirements.

7 Annual Subsistence Charge

The Secretary of State has drawn up a charging scheme under Regulation 19. Under this scheme Local Authorities are required to levy an annual subsistence charge related to the permit. The Local Authority will invoice for the amount due which is subject to annual review by the Department of the Environment Food and Rural Affairs.

B01/92 (a) Location plan



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 PPC General Guidance Manual, available at <http://www.defra.gov.uk/environment/quality/industrial/las-regulations/guidance/>.

Dealing with a 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 Schedules 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 previous variations. 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(2) of the 2010 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £50,000 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 the Magistrates or Crown Court.

Appeals

Under regulation 31 and Schedule 6 of the 2010 Regulations operators have the right of appeal against the conditions attached to their permit by a variation notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State/Welsh Ministers given under regulations 61 or 62 or a direction when determining an appeal.

Appeals against a Variation Notice do not have the effect of suspending the operation of the Notice. Appeals do not have the effect 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 variation notification, which is the subject matter of the appeal. The Secretary of State/Welsh Ministers 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 the Secretary of State or Welsh Minister with the following (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 copy of any relevant application;
- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or dealt with by way of written representations.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for confidentiality under regulation 48 of the 2010 Regulations, and provide relevant details – see below. Unless such information is provided all documents submitted will be open to inspection.

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

Or for appeals in Wales:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

If an appeal is made, the main parties will be kept 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

The operator and local authority will normally be expected to pay their own expenses during an appeal. Where a hearing or inquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6, either the appellant or the 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.

Confidentiality

An operator may request certain information to remain confidential, ie not be placed on the public register. The operator must request the exclusion from the public register of 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 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 test of whether information is confidential for the purposes of being withheld from the public register is complex and is explained, together with the procedures, in chapter 8 of the PPC General Guidance 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/Welsh Ministers, 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/Welsh Ministers has decided the matter.