

PPC Permit ref: PET 6/98

Variation ref: PPC 17/05

Variation Notice

From: Huntingdonshire District Council

Council ("the Council")

To: ⁽¹⁾

The Company Secretary, Tesco Stores Ltd., PO Box 18, Delamare Road, Cheshunt, Waltham Cross,
Herts EN8 9SL

The Council, in the exercise of the powers conferred upon it by Regulation 17 of the Pollution Prevention and Control (England and Wales) Regulations 2000⁽²⁾ ("the 2000 Regulations") hereby gives you notice as follows:-

The Council has decided to vary the conditions of permit ref. PET 6/98 granted under Regulation 9(1) of the 2000 Regulations in respect of the operation of the installation/mobile plant at:-
Tesco Petrol Filling Station
Abbots Ripton Road
Huntingdon
PE28 2LA

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 22 of the 2000 Regulations or Section 41 of the Environment Act 1995⁽³⁾.~~

Dated 13 February 2006

Signed



Designation Director of Operational Services

An authorised officer of the Council

(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 variation notice.
(3) 1995 c.25.

Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place
The process description is amended and replaced by that contained within Schedule 2 to this Notice. All conditions are deleted and replaced by those contained within Schedule 2 to this Notice.	The variations are to have immediate effect.

Dated 13 February 2006

Signed 
Designation Director of Operational Services

An authorised officer of the Council

Schedule 2

Permit reference PET 6/98
and variation notices

as varied by this notice

(Insert amended or full consolidated authorisation).

Huntingdonshire

d i s t r i c t c o u n c i l

PERMIT

Pollution Prevention and Control Act 1999

Pollution Prevention and Control (England and Wales) Regulations 2000 SI 1973 (as amended)

Permit Reference No: PET 6/98

Huntingdonshire District Council (the regulator) hereby permits Tesco Stores Ltd., PO Box 18, Delamare Road, Cheshunt, Waltham Cross, Herts EN8 9SL to operate a process for the unloading into storage of petrol from mobile containers at a service station, as defined in Part B(d) of Section 1.2 of Schedule 1 to the Pollution Prevention and Control (England and Wales) Regulations 2000 SI 1973, as amended, and as described below in accordance with the following conditions which shall apply forthwith.

Address of permitted activity: **Tesco Petrol Filling Station**
Abbots Ripton Road
Huntingdon
PE28 2LA

Description of Process

The unloading of petrol into stationary tanks at a service station within the process boundary marked on the attached plan reference PET 6/98(A). The service station has six storage tanks, three of which are used for the petrol storage.

Conditions

- 1 Vapours displaced by the delivery of petrol into storage installations at service stations must be returned through a vapour tight connection line to the mobile container delivering the petrol. Unloading operations may not take place unless the arrangements are in place and properly functioning, subject to Condition 3, 4 and 5.
- 2 The operator shall implement a schedule of preventative maintenance (included as Appendix to this permit) to assist in ensuring the continuing correct operation of vapour containment controls, the content of which shall be agreed by the regulator. The maintenance schedule shall include the testing requirements under Conditions 22 and 23.

- 3 All reasonable practicable steps shall be taken to prevent uncontrolled leaks of vapour from vents, pipes and connectors from occurring. The regulator shall be advised without delay of the circumstances of such a vapour leak if there is likely to be an effect on the local community, and in all cases such a vapour leak shall be recorded in the log book required under Condition 24.

In this Condition and in Condition 4 a vapour leak means any leak of vapour excepting those which occur through the vent mentioned in Condition 11 during potentially hazardous pressurisation.

- 4 The operator shall document the corrective measures to be taken and the timescales over which they will be implemented in the event of a vapour leak described in Condition 3. This document shall be contained in the log book.
- 5 Instances of vapour lock shall be recorded in the log book and, under the circumstances detailed in Condition 3, be advised to the regulator.
- 6 The procedures in Conditions 2 to 5 inclusive shall be reviewed in light of any modifications which occur to the facilities. The regulator shall be advised of any proposed alteration in operating procedures.
- 7 Vapour balancing systems shall be of a size and design, as approved by the regulator, to minimise vapour emission during the maximum petrol and vapour flow i.e. when the maximum number of tanker compartments are being simultaneously discharged.
- 8 The maximum number of tanker compartments being discharged simultaneously shall not exceed 2 (excluding the diesel compartments).
- 9 The connection points on the tank filling pipes and vapour return pipe shall be fitted with secure seals to reduce vapour leaks when not in active use. If apertures are provided on storage tanks for the use of a dipstick, these shall be securely sealed when not in active use.
- 10 The fittings for deliveries and vapour return pipes shall be different to prevent misconnection.
- 11 Petrol storage tank vent pipes shall be fitted with a pressure vacuum relief valve (or similar device which is at least as effective) to minimise vapour loss during unloading and storage of petrol. Orifice plates are not permitted. The pressure vacuum relief valve shall be sized and weighed to prevent vapour loss, except when the storage tanks are subject to potentially hazardous pressurisation.

Operators should note that the sizing and safety features associated with fitting pressure vacuum relief valves may be subject to health and safety legislation.

- 12 When connecting hoses prior to delivery, the vapour return hose shall be connected before the delivery hose(s). The vapour return hose shall be connected by the road tanker end first, and then at the storage tank end.

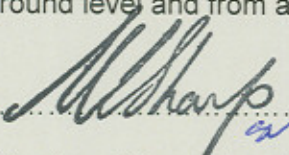
- 13 Adjacent to each vapour return connection point, there shall be a clearly legible and durable notice instructing "Connect vapour return line before off-loading" or similar wording. The sign shall also refer to the maximum number of tanker compartments which may be unloaded simultaneously in accordance with Condition 8, or a clear statement of such shall be made on the Petroleum Delivery Certificate.
- 14 If dip testing of storage tanks or road tanker compartments is performed before delivery, the dip openings shall be securely sealed prior to the delivery taking place.
- 15 Road tanker compartments dip testing shall not be performed whilst the vapour hose is connected.
- 16 A competent person shall remain near the tanker and keep a constant watch on hoses and connections during unloading.

A competent person is one who has sufficient theoretical training and practical instruction in order to enable them to carry out their duties in respect of using (or supervising the use of) and maintaining vapour balancing controls, and action to be taken in the event of a leak of vapour. They should also follow procedures for safe operations for petrol unloading laid down in petroleum licence conditions and in the Carriage of Dangerous Goods by Road Regulations 1996, SI 1095.

- 17 All road tanker compartments vent and discharge valves shall be closed on completion of the delivery.
- 18 On completion of unloading, the vapour hose shall not be disconnected until the delivery hoses have been discharged and disconnected. The delivery hoses shall be disconnected at the road tanker end first. The vapour return hose shall be disconnected at the storage end first.
- 19 All connection points shall be securely sealed after delivery.
- 20 If the storage tanks or road tanker compartments are dipped after delivery, the dip openings shall be securely sealed after dip testing.
- 21 Manhole entry points to storage tanks shall be kept securely sealed except when maintenance and testing are being carried out which require entry to the tank.
- 22 Petrol delivery and vapour return lines shall be tested in accordance with the agreed maintenance schedule (included as Appendix to this permit).
- 23 Pressure vacuum relief valves or other similar devices on fixed petrol storage tank vents shall be checked for correct functioning, including extraneous matter, seating and corrosion at least once every three years.
- 24 The operators shall maintain a log book at the permitted installation incorporating details of all maintenance, examination and testing, inventory checking, installation and repair work carried out, along with details of training given to operating staff at the service station. The log book shall also detail any suspected vapour leak together with action taken to deal with any leak, in accordance with Conditions 3, 4 and 5.

- 25 Venting of petrol vapour shall be through the vent pipes marked on the attached drawing reference PET 6/98(B). Vent pipes shall be discharged at least three metres above ground level and from any opening windows or ventilation inlets.

Signed:


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Director of Operational Services

Date:

...13... February... 2006.....



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PET 6/98(A)
 Tesco Petrol Filling Station
 Abbots Ripton Road
 Huntingdon
 Drawn by AJM of HDC



PET 6/98(B)
Tescos Petrol Filling Station
Abbots Ripton Road,
Huntingdon
Drawn by AJM of HDC

GENERAL NOTES

1 Implied Conditions

It should be noted that Regulation 11 provides that, the installation shall be operated in such a way that:

- (i) all the appropriate preventative measures are taken against pollution, in particular through application of the best available techniques (BAT)¹; and
- (ii) no significant pollution is caused.

¹The interpretation of best available techniques is found in Section 3 of the Regulations and control techniques can be found in Section 6 of the Secretary of State's Process Guidance Note 3/16.

2 Variation

The regulator will ensure that the permit remains up to date in line with the requirements set out in Regulation 12. 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.

3 Review of Conditions

The regulator may at any time undertake a review of the conditions in this permit under Regulation 15. 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.

4 Appeal

The permitted operator can appeal in writing to the Secretary of State against the items listed in Regulation 27.

5 Transfer of Permit

The permitted operator who wishes to transfer the permit to a person who proposes to carry out the activity in the holder's place may do so in accordance with Regulation 18. 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 22 and shall contain the operator's and the proposed transferee's contact details.

6 Notification of Proposed Change of Operation

The permitted operator who wishes to make a change in the activity under Regulation 16 must notify the regulator at least 14 days before making the change. Such notification shall be in writing and shall contain a description of the proposed change in the operation of the installation.

7 Variation of Conditions of Permits

Under Regulation 17(2), the operator may apply to the regulator to vary the conditions contained within the permit. Such application shall be made in accordance with paragraph 1 of Part 1 of Schedule 7 and shall be accompanied by any fee prescribed in respect of the application under Regulation 22; and paragraphs 2 and 3 of Part 1 of Schedule 7 shall have effect with respect to such applications.

8 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.

9 Annual Subsistence Charge

The Secretary of State has drawn up a charging scheme under Regulation 22. 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.

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 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 / 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

Failures 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 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.

Appeals

Under regulation 27 of the 2000 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 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 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 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 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:

In England:

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

In Wales:

The National Assembly for Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

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 normally be 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.

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 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 manual.

National Security

Information may be excluded from the public register on 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