

BOROUGH OF TAMWORTH

POLLUTION PREVENTION & CONTROL ACT 1999

ENVIRONMENTAL PERMITTING (ENGLAND & WALES) REGULATIONS 2016

ENVIRONMENTAL PERMIT

Application Dated

27th March 2020

Permit Reference

B-P06-2020

Tamworth Borough Council hereby permits:

**ENVIRO-STRIP GB LTD
9 – 10 Hedging Lane, Wilnecote, Tamworth
B775HH**

Company Registration Number: 10457493

in accordance with Regulation 13 of the Environmental Permitting (England & Wales) Regulations 2016 to carry on a metal decontamination process as defined in Schedule 1, Part 2, Section 2.1, Part B, (d), at the premises known as:

**ENVIRO-STRIP GB LTD
Watling Street Wilnecote Tamworth
Staffordshire B77 5BH**

within the installation boundary as marked on the plan at Appendix 1 and the activity shall be carried out in accordance with the Activity Description and Conditions that form part of the Permit.

Signed on behalf of Tamworth Borough Council



27th March 2020

Signed..... Date.....

Gareth Harvey
Head of Service – Environmental Health
An authorised officer of the Council.

Activity Description

Regulations and Guidance

Processes for the decontamination of ferrous metals by the application of heat are prescribed for local air pollution prevention and control (LAPPC) under Schedule 1, Part 2, Section 2.1 Part B (d) of the Environmental Permitting (England and Wales) Regulations 2016, SI 1154.

The Secretary of State has issued the following statutory guidance that is relevant to this processes:-

Process Guidance Note 2/09(13). Secretary of State's Guidance for Metal Decontamination Processes and installations.

Activity

The activity consists of the cleaning of ferrous metal jigs used in painting and finishing processes by the application of heat in a furnace to remove the paint contamination.

The installation is equipped with one pyrolysis oven (furnace) that is used to remove paint from the jigs, etc. that arise from third party sources, mainly the car industry. The build-up of paint on the jigs has to be removed from time to time to maintain paint finish quality standards.

The pyrolysis oven is a custom built unit.

The process is carried out on a batch basis and a complete 'burn cycle' takes approximately two and a half hours.

The metal jigs, stillages and other contaminated metal items are heated within an oven chamber to remove built up paint matter. During the heating process all volatile components are driven off from the paint. As the oven temperature increases, so the non-volatile, organic components of the paint decompose to form gaseous fumes. Finally at around 500 °C the residual carbon oxidises leaving only an inert organic ash on the metal components that is subsequently removed by high pressure water jetting.

All of the fumes evolved from the decomposing paint in the main oven chamber are extracted at a controlled rate to be fully oxidised in the oven's secondary combustion chamber (or afterburner) to predominantly carbon dioxide and water vapour which are then discharged to atmosphere through the 23 metre high chimney. The secondary combustion chamber is fitted with two, cross fire gas burners to maintain a stable minimum operating temperature of 850°C whilst work is processed through the oven. The rate of fume extraction is controlled by the extract fan.

The temperature of the main oven chamber is controlled so that the paint does not start to breakdown until the secondary combustion chamber has reached a minimum temperature of 850 °C.

Process heat to the oven is provided by means of four gas burners that fire into the primary combustion chamber, which has a typical operating temperature in the range of 650 °C to 700 °C. The hot gases are drawn through the primary system by means of a re-circulation fan that is situated between the oven chamber and the primary combustion chamber. By this means process heat is generated thus heating the oven chamber from ambient temperature at the start of a cycle to approximately 500 °C to 550 °C at the end of the cycle. Most of the volatile matter and fume that is driven off the work pieces is passed back through the primary combustion chamber but a proportion of the gases is continuously extracted via the secondary combustion chamber to the chimney.

Once the cycle is completed the oven door is opened and a period of cooling takes place. Components are then removed by means of a fork lift truck and placed in the process shed for partial cooling prior to high pressure water jetting to remove all ash residues. Some components are also acid dipped to provide a higher finish quality.

A schematic diagram of the oven can be found at **Figure 1**.

The installation is located at the corner of Watling Street and Marlborough Way in Wilnecote, Tamworth. A map showing the installation location and boundary can be found in **Appendix 1** to this permit. The premises are occupied solely by **Enviro-strip GB Ltd**.

The premises in the immediate neighbourhood are a mix of industrial and commercial properties. The nearest existing residential properties are located on the southern side of Watling Street.

A plan of the internal layout of the installation can be found in **Appendix 2** to this permit. This plan indicates the locations of the permitted emission points.

Potential Releases - Pollutants and sources

In general, the key emissions from this type of activity, that constitute pollution for the purposes of the PPC Regulations are particulate matter, hydrogen chloride, organic compounds, metallurgical fume and products of combustion. These substances arise from the pyrolysis and combustion of the coatings that are being removed and the products of combustion from the primary burners and afterburners.

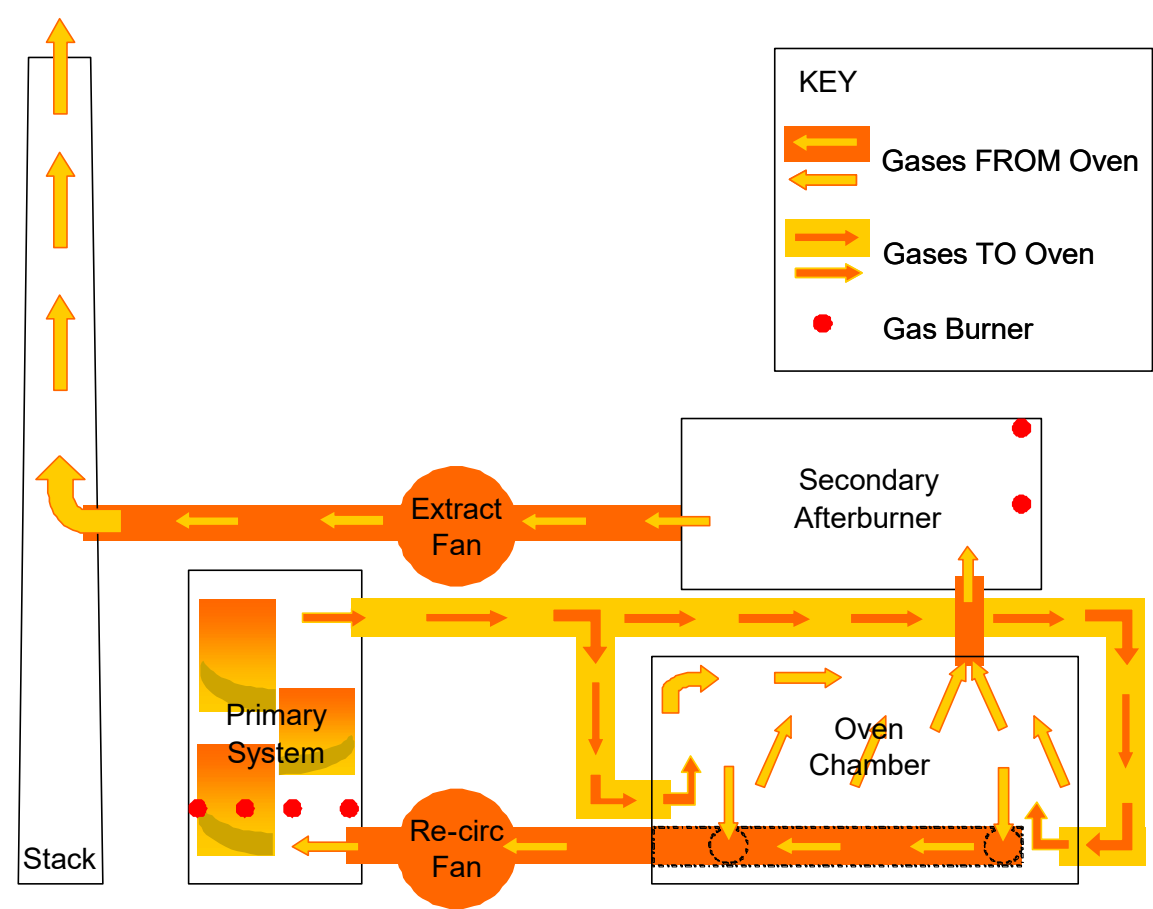
Particulate matter emissions in the form of dust may arise from the transfer of potentially dusty materials and the handling of ash and furnace residue. Other emissions are dependent on the material being removed but are likely to include smoke and organic materials. Smoke also arises in the event of poor combustion.

The contaminated products may include “wet” or powder coated steel jigs and painted parts.

Visible and odorous emissions from the installation would not be expected provided that the secondary combustion chambers are operated in accordance with Best Available Techniques.

The conditions attached to this permit describe the means by which emissions shall be limited and monitored.

Figure 1 – Pyrolysis Oven - Schematic Diagram



Permit Conditions

The process shall be operated in accordance with the following conditions that form part of the Permit:

1.0 General Conditions

- 1.1 The best available techniques (BAT), as defined in Article 2(11) of the IPPC Directive, 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.
- 1.2 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.

2.0 Emission Limits, Monitoring and Other Requirements.

- 2.1 All pollution concentrations shall be expressed at reference conditions, 273°K, 101.3 kPa, 11% oxygen and dry gas.
- 2.2 The introduction of dilution air to achieve emission concentration limits is not permitted.
- 2.3 The emission concentration limits specified in Table 1 "Emission limits, monitoring and other provisions", shall apply to releases from the process. No monitoring result shall exceed the emission concentration limit specified in Condition 2.3 Table 1

Table 1 - Emission limits, monitoring and other provisions

Row	Substance	Source	Emission limits/provisions	Type of monitoring	Monitoring frequency
1	Total particulate matter	From furnace or other appliance for decontaminating other than engine blocks	20 mg/m ³	Recorded indicative	Continuous
				Plus	Plus
				Extractive	Four times a year to BSEN 13284-1, (until the results justifies biannual testing)
2	Total particulate matter	All authorised emission points	Limits on visible emissions	Operator observations	At least once during decontamination operation
3	Total Organic Carbon	Furnace emissions	20 mg/m ³	Extractive	Four times a year (until the results justifies biannual testing) to BSEN12619
4	Chloride emissions excluding particulate matter	Furnace emissions where any quantity of materials which are likely to give rise to chlorides are being burned	10 mg/m ³	Manual extractive	Four times a year (until the results justifies biannual testing).

Monitoring investigations and recording

- 2.4 The process operator shall keep records of inspections, tests and monitoring, including all non-continuous monitoring, inspections and visual assessments. The records shall be kept on site, kept by the operator for at least two years and made available for an Authorised Officer of Tamworth Borough Council to examine.
- 2.5 The process operator shall provide a list of key arrestment plant and shall have a written plan for dealing with its failure, in order to minimise any adverse environmental effects.
- 2.6 **The operator shall notify Tamworth Borough Council at least 7 days in advance of any periodic monitoring exercise that is to be undertaken to determine compliance with emission limit values. The notification shall specify the provisional date and time of monitoring, pollutants to be tested and methods to be used.**
- 2.7 **Organic emissions monitoring shall be undertaken when representative samples of the various materials being removed in the appliance are being *denatured and the appliance is operating at maximum normal loading*. In all cases, testing shall be carried out in the first third of the decontamination cycle, when the largest proportion of organic carbon compounds in the contaminants will be driven off.**
- 2.8 The results of any non-continuous emission testing shall be forwarded to Tamworth Borough Council within 8 weeks of the completion of the sampling.
- 2.9 **The operator shall investigate adverse results from any non continuous monitoring activity as soon as the monitoring data has been obtained or received.**
- 2.10 In the case of any adverse results from monitoring activity the operator's investigation shall: -
- Notify Tamworth Borough Council as soon as reasonably practicable
 - Identify the cause of the adverse result and take appropriate corrective action.
 - Record as much detail as possible regarding the cause and extent of the problem and the action taken by the operator to rectify the situation.
 - Re-test to demonstrate compliance as soon as possible.

Visible and odorous emissions

Visible

- 2.11 All releases to air in normal operation, including start up and shut down, other than condensed water vapour, shall be free from droplets and from persistent mist and persistent fume.
- 2.12 Visible emission shall not exceed the equivalent of Ringelmann Shade 1 as described in British Standard BS 2742:2009 "Notes on the use of Ringelmann and miniature smoke charts."
- 2.13 Visual and olfactory assessments of emissions shall be made at least once during each operational cycle of each oven. This observation should be made during the first third of the cycle time when odorous or fugitive emissions are most likely to arise. The date, time, location and results of these assessments shall be recorded. Observations for odorous emissions shall be made at a suitable location downwind of the installation and observations for visible emissions shall be made from a location(s) where the release point can be clearly seen and recorded on a monitoring sheet.

Odorous

- 2.14 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Local Authority, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

The operator shall:

- (a) if notified by the Local Authority that the activities are giving rise to pollution outside the site due to odour, submit to the Local Authority for approval within the period specified, an odour management plan which identifies and minimises the risks of pollution from odour;
- (b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by the Local Authority.

Abnormal events

- 2.15 In the case of abnormal emissions, malfunctions or breakdowns leading to abnormal emissions, the operator shall: -
- investigate the cause and undertake remedial action immediately,
 - adjust the process or activity to minimise those emissions,
 - promptly make a record of the events and actions taken, and

send a copy of the oven records & perimeter check to the Local Authority immediately.

- Also report the cause and remedy to the Local Authority immediately.

2.16 The operator shall ensure that there is a fully trained staff member on duty to take appropriate action in the event that abnormal emissions occur or the afterburner failure alarm is triggered.

2.17 The operator shall ensure that Tamworth Borough Council is notified without delay: -

- if there is an emission that is likely to have an effect on the local community or
- in the event of the failure of any of the afterburner units.

Continuous monitoring of Primary Oven and Secondary Combustion Chamber

2.18 The temperature at the outlet of the secondary combustion chamber or zone shall be continuously monitored and recorded to indicate the performance of the abatement plant.

2.19 All continuous monitoring equipment shall be designed for less than 5% downtime over any 3-month period.

2.20 All continuous monitoring readings including the temperature probes shall be on display to appropriately trained operating staff.

2.21 All continuous monitoring instruments (The temperature probes) shall be fitted with audible and visual alarms to warn the operator of afterburner failure or malfunction.

2.22 The activation of continuous afterburner failure or malfunction monitoring alarms shall be automatically recorded.

2.23 All continuous monitors (including the temperature probes) shall be operated, maintained and calibrated (or referenced) in accordance with the manufacturer's instructions. The manufacturer's instructions for all continuous monitoring instruments shall be made available for inspection by an authorised officer of Tamworth Borough Council.

2.24 Records shall be kept of all maintenance and calibration (or referencing) of all continuous monitoring equipment including the temperature probes shall be kept in the

log book. Copies of all relevant calibration certificates shall be kept available for inspection by an authorised officer of Tamworth Borough Council.

- 2.25 The particulate matter emissions shall be continuously monitored and recorded to indicate the performance of the abatement plant.

Calibration and compliance monitoring

- 2.26 *Non-continuous, extractive monitoring of particulate emissions shall be undertaken four times a year until that time that the results indicate to Tamworth Borough Council that the results comply with the emission limits specified in Condition 2.3 Table 1, after which extractive monitoring can take place biannually.*

Sampling provisions

- 2.27 Emission testing shall be undertaken in accordance with BSEN15259 and any other requirement in the specific standard for that pollutant.

3.0 Control Techniques

Particulate matter

- 3.1 Emissions of particulate matter from the process shall be contained, extracted and abated if necessary to meet the visible emission requirements in Condition 2.3 (Table 1) and 2.12 for particulate matter.
- 3.2 The pyrolysis ovens shall be provided with a secondary combustion chamber to ensure that emissions meet the requirements of Conditions 2.3 and 2.12.
- 3.3 The main oven chamber shall not be loaded until the secondary burner chamber has reached a temperature of at least 850°C or, on starting a new operational cycle, the temperature in the primary chamber shall remain less than that at which emissions begin to occur until the temperature in the secondary combustion zone reaches 850°C.
- 3.4 The addition of further materials to the furnace when the temperature in the secondary combustion chamber or zone falls below 850°C is prohibited.
- 3.5 The secondary combustion chamber or zone shall be maintained at a temperature of at least 850°C and the residence time of the gases in that zone shall be at least 2.0 seconds.

Organic compounds

- 3.6 On starting up from cold, the temperature in the primary combustion chamber shall remain less than that at which emissions begin to occur until the temperature in the secondary combustion chamber or zone reaches at least 850°C.

Techniques to control fugitive emissions

- 3.7 Metals that have been decontaminated shall not be removed from the furnace until all combustible contaminants have been completely burned or until no further smoke or fume emissions will arise.

Dust from materials handling

- 3.8 The methods of collection of waste from the furnace chambers should be designed to minimise dust emissions.
- 3.9 Dusty wastes shall be stored in closed containers and handled in a manner that prevents or minimises airborne dust emissions.
- 3.10 Internal transport or movement of dusty materials shall be carried out so as to prevent or minimise airborne dust emissions.

- 3.11 The operator shall make adequate provision to contain liquid and solid spillages.
- 3.12 All spillages shall be cleared as soon as possible after they have occurred. Dry sweeping of solid, dusty spillages is not permitted; vacuum cleaning, wet methods or other appropriate techniques should be used.
- 3.13 A high standard of housekeeping shall be maintained at all times.

4.0 Air Quality

Ambient air quality management

Note: -

Air quality standards or objectives are not being breached nor are they at risk of being breached in this locality. Therefore, there is no necessity to impose special conditions on this process.

Dispersion and dilution from stack

- 4.1 The chimney serving the pyrolysis oven shall terminate not less than 23 metres above ground level. The chimney location is indicated on the site plan at Appendix 2.

Chimneys, vents and process exhausts

- 4.2 Exhaust gases discharged through a chimney or vent shall achieve an exit velocity greater than 15 ms^{-1} during normal operating conditions.
- 4.3 Chimneys and vents shall not be fitted with any restriction at the final opening such as a plate, cap or cowl. A cone may be fitted if it is necessary to increase the exit velocity of the emissions.
- 4.4 All chimneys shall be adequately insulated to prevent the cooling of waste gases and prevent liquid condensation in the chimneys. The insulation shall ensure that the temperature of the gases in the chimneys does not fall below the dewpoint.

5.0 Management

Management techniques

- 5.1 Essential spares and consumables, in particular those subject to continual wear or whose failure may cause unauthorised emissions to atmosphere, shall be kept on site or shall be available at short notice from a local supplier.

Appropriate management systems

- 5.2 The process operator shall maintain an independently audited environmental management system in compliance with ISO 14001 with respect to the operation of the pyrolysis ovens in the installation.

Training

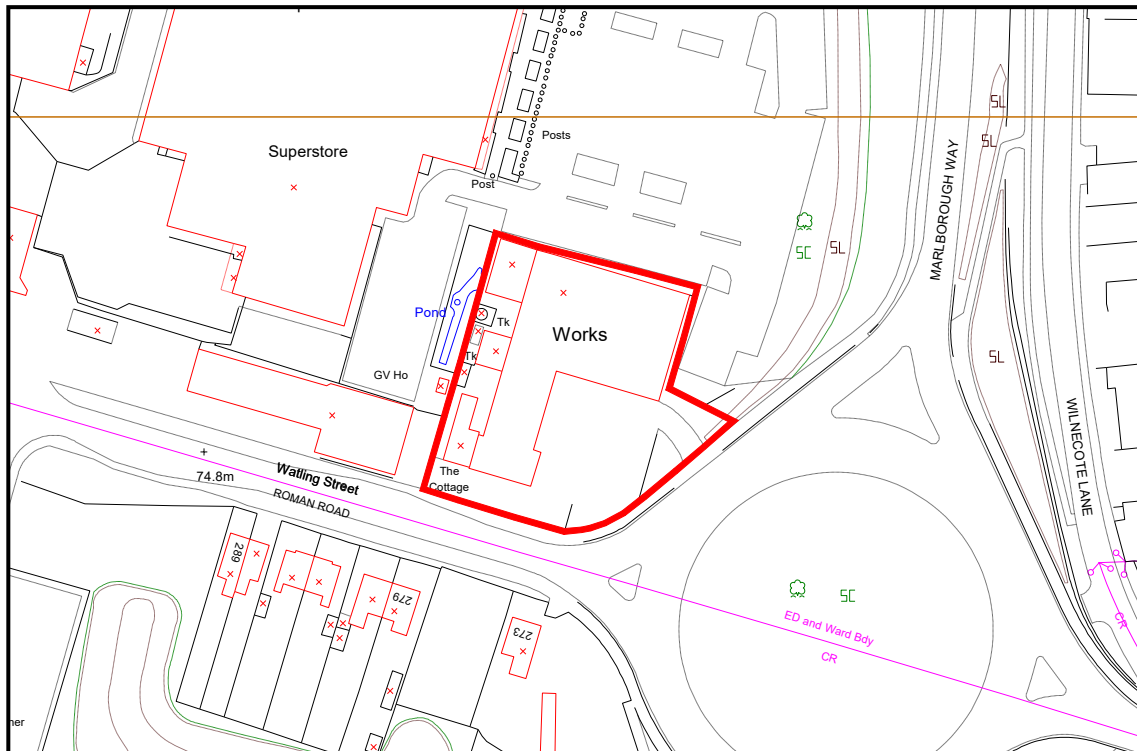
- 5.3 The operator shall provide training and instruction to staff at all levels in their duties relating to the control of process emissions to air and their responsibilities under the Permit.
- 5.4 The operator shall provide training and instruction to appropriate staff on the procedures to be followed to minimise emissions to air at start up, shut down and in the event of abnormal conditions occurring.
- 5.5 The operator shall provide and maintain a statement of training requirements for each operational post.
- 5.6 The operator shall keep a record of the training received by each person whose actions may have an impact on the environment.
- 5.7 All training and inspection records shall be made available to an authorised officer of Tamworth Borough Council on request.

Maintenance

- 5.8 The operator shall complete the improvements specified in **Appendix 3** by the dates specified in the appendix unless otherwise agreed in writing by Tamworth Borough Council
- 5.9 The operator shall provide and maintain a written maintenance programme with respect to the pyrolysis ovens, all gas burners and all pollution control equipment, including the chimney flues and ductwork.
- 5.10 All gas burners on the pyrolysis ovens shall be regularly cleaned at a frequency to be agreed with Tamworth Borough Council.
- 5.11 The operator shall provide and maintain records of all servicing and maintenance undertaken on the pyrolysis ovens and associated equipment.

Appendix 1

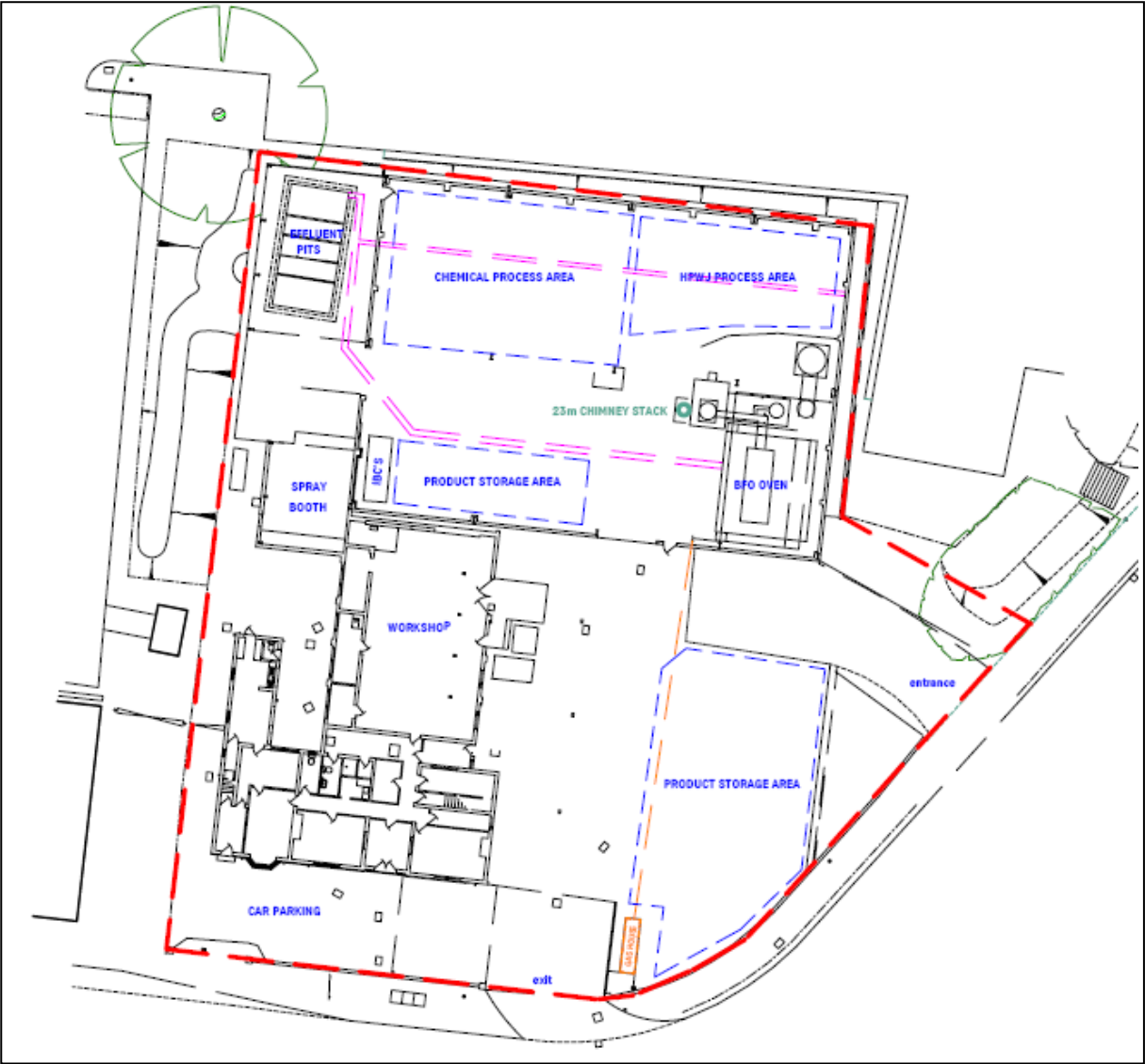
Location of installation and installation boundary



ENVIRO-STRIP GB LTD
Watling Street, Wilnecote, Tamworth
Staffordshire B77 5BH

Appendix 2

Plan of Installation showing location of emission point.



Appendix 3

Programme of improvements

	Improvement	Date to be completed
1	Re-insensate the particulate monitor	30.4.20
2	Fill any gaps in the structure	30.4.20
3	Upgrade the 11KW motor drive with a 18.5KW or 22KW unit, and fit closed loop lambda control	30.4.20
4	Refit the secondary burner fan	30.4.20
5	Fit/re-fit transfer fan outlet coupling.	30.4.20
6	The hydraulic door clamps need to be repaired	30.3.20
7	Reverse the mass flow pressure gradient of the afterburner. Push effluent into the afterburner rather than pull high temperature gas from it?	30.8.20

Appendix 4

Tamworth Borough Council
The Pollution Prevention Control Act 1999
The Environmental Permitting (England & Wales) Regulations 2016

EXPLANATORY NOTES AND GUIDANCE

These notes are provided for the operator of an installation or mobile plant to assist in the interpretation of their duties under the provisions of the above-mentioned legislation, with particular reference to the permit issued by Tamworth Borough Council. These notes do not form part of the Permit or conditions attached to it.

1. PENALTY FOR NON-COMPLIANCE WITH PERMIT CONDITIONS

It is an offence to contravene a condition contained in an environmental permit. In accordance with the Environmental Permitting Regulations, such offences are punishable on summary conviction to a fine of £50,000 or 12 months' imprisonment or both and in the Crown Court by a fine and or up to five years imprisonment or both.

2. RESIDUAL BAT CONDITION (BEST AVAILABLE TECHNIQUES)

You should note that a fundamental principle of the LAPPC regime is the application controlling pollution by using the "Best Available Techniques". The BAT approach requires that the cost of applying techniques is not excessive in relation to the environmental protection they provide.

Article 2(11) of the IPPC Directive defines —best available techniques as follows:

'Best available techniques' shall mean the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.

- **"techniques"** shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned,

- **"available"** techniques shall mean those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator,

- “**best**” shall mean most effective in achieving a high general level of protection of the environment as a whole.

3 STATUTORY REQUIREMENTS

This Permit is issued under regulation 13 of the EP Regs and does not detract from any of the following statutory requirements where applicable:-

- a. The requirement to obtain Planning Permission for the installation and any new construction.
- b. The requirement to obtain discharge consent from the Environment agency.
- c. The requirement to obtain Building Regulation approval for any construction work.
- d. The requirement of a Waste Disposal Licence.
- e. The requirement to comply with the Health and Safety at Work etc Act 1974.

4 PUBLIC REGISTER

The Council is required by regulation 46 to maintain a Public Register containing information on all LAPPC installations and mobile plant. The register is available for inspection by the public free of charge during office hours (Monday to Friday 9.00am to 5.00pm) at

Tamworth Borough Council,
Environmental Health and Regulatory Services
MarmionHouse
LichfieldStreet
Tamworth
Staffs
B79 7BZ

Subject to exclusions of commercially confidential information and information affecting national security, registers will contain the following:

- a. Applications for a permit;
- b. Notices asking for information and responses to such;
- c. Advertisements and representations in response to such (unless requested not to by the person responding)
- d. In the case of c) above, a statement to the effect that representations were made but have been omitted – must not identify the person making the representation;
- e. Statutory consultee responses to applications or applications for variations;
- f. Permits;
- g. Notifications of changes in the operation of installations;
- h. Applications for variations, transfers or surrenders of permits;
- i. Variations, transfers and surrenders granted;

- j. Revocations;
- k. Enforcement or suspension notices;
- l. Notices withdrawing enforcement and suspension notices;
- m. notice of an appeal including the grounds of the appeal, relevant correspondence between the appellant and the regulator, and the decision/notice which is the subject of the appeal;
- n. Representations in response to appeal (unless requested not to by the person responding);
- o. In the case of n) above, a statement to the effect that representation were made but have been omitted – must not identify the person making the representations;
- p. The appeal decision and any accompanying report;
- q. Convictions, formal cautions; to include the name of the person, date of conviction/caution, and (where appropriate) penalty and name of court. This requirement does not override the Rehabilitation of Offenders Act 1974 regarding spent conditions, and authorities must take care to remove relevant entries at the appropriate time;
- r. Monitoring data obtained by the authority from its own monitoring, or sent to the authority on accordance with a permit condition or regulation 60(2) notice;
- s. If any monitoring information is omitted because it is commercially confidential, the authority must put a statement on the register indicating whether relevant permit conditions are being complied with, based on the withheld information;

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.

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 51(2) of the 2016 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.

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 (Regulation 47(1)). 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.

5 FEES

In accordance with regulation 66(1)c of the EP Regs, the holder of a permit is required to pay a fee for the subsistence of the Permit. This fee is payable annually on 1st April. You are advised that under the provisions of regulation 66(5) of the EP Regs, if you fail to pay the fee due promptly, the Council may revoke the Permit. The will normally send an invoice for the relevant amount which is determined by the Government each year.

6 TRANSFER OF PERMITS

Under the provisions of regulation 21 of the EP Regs, where you wish to transfer the Permit to another person (the proposed transferee) then the operator and the proposed transferee shall jointly make an application to the Council. The council will determine the transfer application within 2 months. A fee is also available. For further details on this please contact the Council.

7 SURRENDER OF PERMITS

Under the provisions of regulation 24 of the EPR, where you wish to surrender the Permit in whole or in part then you are required to notify the Council in writing. A formal Surrender Application Form is available upon request. For further details on this please contact the Council

8 PROCESS CHANGES

You are required to notify the Council of any proposed change in operation at least 14 days before making the change. This must be in writing and must contain a full description of the proposed change in operation and the likely consequences.

If the change could result in the breach of the existing permit conditions or is likely to require the variation of permit conditions then you must apply in writing under Regulation 20(1), or involves a SUBSTANTIAL CHANGE to the installation you will be required to submit an application, pay the relevant fee and advertise the application accordingly. You should notify the Council 28 days before undertaking such changes in the installation operation. You may serve a Notice on the Council requesting that they determine whether any change, which is proposed, would constitute a substantial change before you proceed with application.

9 APPEALS

Under Regulation 31(1)c of the 2016 Regulations operators have the right of appeal to the Secretary of State against the conditions attached to their permit. The rights to appeal do not apply where the decision or notice implements a direction given by the Secretary of State or Welsh Ministers. There is also no right of appeal if a revocation notice has been served for non-payment of subsistence fees (EP Regulation 31(3)).

Appeals against a variation notices, enforcement notices and suspension notices 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. However, appeals against revocation notices suspend the operation of the notices coming into effect until the appeal is decided or withdrawn.

Notice of appeal against the conditions attached to the permit must be given within six 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.

If you are considering lodging an appeal against the Conditions of this Permit it may be advantageous for you to contact the Environmental Health Section of the Council prior to doing so. It may be possible to resolve any misunderstanding or misinterpretation of the authorisation requirements and make the need for an appeal unnecessary. Notwithstanding this suggestion the deadline for lodging your appeal cannot be set back or deferred while any such consultation is taking place.

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 6 of the 2016 Regulations, paragraph (2)2):

- 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 49 of the 2016 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 4/04 - 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 2016 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.

10 SECRETARY OF STATES GUIDANCE

This permit is covered by the relevant Secretary of State's Guidance:

The relevant Process Guidance note for your sector and details of the legislation and General Guidance Manual can be obtained from the following web links

<p>The Relevant Statutory Guidance notes for Your Process are:</p>
<p>Process Guidance Note 2/09(13). <i>Secretary of State's Guidance for Metal Decontamination Processes and installations.</i></p>
<p>Available at the following web link:</p>
<p>http://webarchive.nationalarchives.gov.uk/20141106091809/http://www.defra.gov.uk/industrial-emissions/files/PG-2_09-Metal-decontamination-processes-Final-July-2013.pdf</p>
<p>Pollution Prevention and Control Act 1999</p>
<p>http://www.legislation.gov.uk/ukpga/1999/24/contents</p>
<p>The Environmental Permitting (England and Wales) Regulations 2016</p>
<p>http://www.legislation.gov.uk/uksi/2016/1154/made</p>
<p>General Guidance Manual on Policy and Procedures for A2 and B Installations</p>
<p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/611093/General-guidance-manual-a2-and-b-installations-part1.pdf</p>

11 REPORTING REQUIREMENTS AND CONTACT DETAILS

Where a Permit condition imposes a requirement to forward documents to the Local Authority or to report a specified occurrence the following address and telephone number shall be used:

By Post

Tamworth Borough Council,
Environmental Health and Regulatory Services
Marmion House
Lichfield Street
Tamworth
Staffs
B79 7BZ

By Telephone

During office hours: 01827 709445
Email :- environmentalmanagement@tamworth.gov.uk