

Pollution Prevention and Control Act 1999
Environmental Permitting (England & Wales)
Regulations 2016

Permit to Operate a Ceramic Process

REF – PPC/A2-P1/2024



Forterra Building Products Ltd
Wilnecote Works
Hedging Lane
Wilnecote
Tamworth
Staffordshire
B77 5EU

**Pollution Prevention and Control Act 1999
Environmental Permitting (England and Wales) Regulations
2016**

Permit Reference No. A2-P1/2024

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Section One

Introductory Note & Description of Permitted Installation

Pollution Prevention and Control Act 1999
Environmental Permitting (England and Wales) Regulations 2016

Permit Reference No. A2-P1/2024

Introductory Note

| Permit Holder: | | Forterra Building Products Ltd |
|--------------------------------|--|--|
| Installation Address: | | Wilnecote Works Hedging Lane Wilnecote Tamworth B77 5EU |
| Registered Address of Company: | | Forterra Building Products Ltd 5 Grange Park Court Roman Way Northampton NN4 5EA |

| Provenance | Date |
|--|---------------------------------|
| Application for Authorisation (EPA 90) | 25 th August 1992 |
| Authorisation Issued | 30 th September 1993 |
| Application for Variation (EPA 90) | November 2000 |
| Application for A2 Permit | 1 st April 2004 |
| Permit Issued | 8 th March 2007 |
| Review of Permit | 11 th December 2008 |
| Transfer of Permit to new operator | 5 th November 2014 |
| Change of Company Name | 21 st March 2017 |
| Installation of new kiln | 2024 |

Forterra Building Products Ltd is hereby permitted by Tamworth Borough Council to carry on a Ceramic Process as defined under Section 3.6 Part A2 of Schedule 1, of Part 2 of The Environmental Permitting (England and Wales) Regulations 2016 at the above Installation Address and within the installation boundary as marked red on the attached plan reference A2/P1/2024-Plan1 at Section 3 and in accordance with the conditions detailed in Section 2 of this Permit.

Signed..... *Wendy Smith* Date..... 26th September 2024

Corporate Director – Growth Assets and Environment

Process Description

Clay is taken from the clay pit on site and transported to the stockpile area adjacent to the factory. Extraction of clay from the pit is usually carried out four times a year.

The clay is allowed to mature on the stockpile before being transferred to the main factory building by loading shovel where it is mixed and blended with water to create the necessary characteristics for extruding.

There are two clay extruding machines one supplying the main production line and the second operates on a batch basis to produce special bricks.

The blended clay is passed through an extruding and wire cutting machine to form the wet bricks that are then passed through dryer chambers to reduce the water content to approximately 2%. The drying chambers are heated by hot gases that are recovered from the main continuous kiln. Natural gas burners are also fitted to provide additional heat when required.

Kiln Production - Brick Firing

The 120m long kiln is fired by natural gas, with no alternative fuel sources used. Dried bricks are stacked onto kiln cars and pass through the kiln over an approximate 2–3-day period. The kiln is divided into a series of zones at progressively higher temperature until the maximum temperature is reached and maintained for the required period. Bricks pass into cooling zones and heat is recovered and passed to the preheater and dryer.

Operating conditions in each zone are monitored and controlled by computer to a pre-set profile. Off-gases from the kiln are ultimately circulated through a Hellmich cascading emissions scrubber and stack identified on drawing WiL002. The scrubber passes the gases through a cascading column of crushed limestone to remove HF (hydrogen fluoride).

After firing the bricks are allowed to cool before being formed into packs of approximately 500 bricks for despatch. Packaged bricks are stored in the outside yard area before being despatched by lorry.

A more detailed description of the process is given in the application for a permit dated 27 July 2024.

Section Two

Permit Conditions

Pollution Prevention and Control Act 1999
Environmental Permitting (England and Wales) Regulations 2016

Permit Reference No. PPC/A2-P1/2017

The conditions contained within this Permit are based upon the requirements of Secretary of States Sector Guidance – SG7(2007) *A2 Ceramics Sector including Heavy Clay, Refractories, Calcining Clay and Whiteware*.

The requirements of the conditions attached to this permit shall come into effect from the date of issue of this Permit.

CONDITIONS

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

EMISSIONS TO AIR

Emission Limits & Controls

- 1.1** All emissions to air, other than steam or condensed water vapour shall be colourless, free from droplets and from persistent mist and persistent fume.
- 1.2** All emissions to air shall be free from offensive odour outside the process site boundary as perceived by an authorised officer of Tamworth Borough Council.
- 1.3** The use of odour masking agents and counteractants is not permitted.
- 1.4** Emissions from combustion processes shall in normal operation be free from smoke and in any case shall not exceed the equivalent of Ringelmann Shade 1 as described in British Standard BS 2742:2009
- 1.5** All reasonably practicable steps shall be taken to minimise the duration and visibility of visible emissions during start up and shut down, and changes to fuel or combustion load.
- 1.6** All pollutant concentrations shall be expressed at reference conditions, 273.15K, 101.3kPa, without correction for water vapour content, normalised to 18% oxygen measured dry. For non-continuous monitoring pollutant concentrations shall be averaged over the firing cycle of the kiln.
- 1.7** The introduction of dilution air to achieve the specified emission concentration limits shall not be permitted.
- 1.8** The following concentration limits shall apply to all emissions to air from the tunnel kiln contained sources.

Table 1

| Emission | Concentration |
|--|----------------------|
| Total particulate matter | 100mg/m ³ |
| Fluorides (expressed as hydrogen fluoride) | 10mg/m ³ |
| NO _x | 300mg/m ³ |
| SO _x | 250mg/m ³ |

Monitoring, Sampling & Measurement of Emissions to Air

Non-Continuous Monitoring

- 1.9** Emissions from the tunnel kiln shall be subject to non continuous quantitative monitoring on an annual basis, to demonstrate compliance with the concentration limits detailed in condition 1.8. Monitoring arrangements shall comply with the requirements of MCERTS where available.
- 1.10** Tamworth Borough Council shall be advised at least 7 days in advance of any periodic monitoring exercise to determine compliance with emission limit values. Tamworth Borough Council shall be informed of the provisional time and date of monitoring, pollutants to be tested and the methods to be used. The results shall include process conditions at the time of monitoring.
- 1.11** Adequate facilities for sampling shall be provided on vents or ducts. The design and location of sampling systems shall ensure that representative samples are obtained.
- 1.12** The reference test method for particulate matter emissions in chimneys or ducts is that of ISO 13284 and tests shall be carried out according to the main procedural requirements of that standard. For the measurement of the concentration of other pollutants, methods approved by Tamworth Borough Council shall be used.
- 1.13** The results of all non-continuous quantitative emission monitoring shall be forwarded to Tamworth Borough Council within 8 weeks of the completion of the sampling.
- 1.14** Results from any monitoring activity which exceed the concentration limits specified in Condition 1.8 above shall be investigated immediately and in all cases shall be recorded in the log book. Tamworth Borough Council shall be informed as soon as practicable. The operator shall ensure that the cause of such adverse results has been identified and corrective action taken. Retesting to demonstrate compliance shall be carried out as soon as it is feasible to do so.
- 1.15** The logbook may be in electronic form, provided that a printout verified by a responsible person is provided on request.

Visual Monitoring

- 1.16** There shall be no visible emissions of particulate matter from the kiln.
- 1.17** A visual and olfactory assessments of emissions from the kiln shall be made at least once a day when the kiln is in operation. Details of all such assessments shall be recorded in the process log book. The record shall include the date and time of observation, an indication of the wind direction and speed, weather conditions, position of observation, an assessment of any adverse conditions observed, the cause of any adverse conditions observed and the corrective action taken, the identity of the observer.

Fugitive Emissions/Materials Handling

- 1.18** There shall be no visible emissions of particulate matter from fugitive emissions on the site (outlined in Appendix 1).
- 1.19** Adequate measures shall be in place to prevent, or where that is not practicable, to minimise dust emissions to the air from the clay stockpiles and stockpiling operations, particularly in periods of dry and / or windy weather.
- 1.20** All sand stored on site for use in the process shall be kept in the designated silos. Delivery of sand to and from the silos shall be by pipeline. The silo vents shall be fitted with a suitable bag filter to ensure that emissions of particulate matter do not exceed the specified limit during loading operations.
- 1.21** Tanker drivers shall be informed by the operator of the correct procedures to be followed concerning noise, spillage leaks and dusty emissions.
- 1.22** Deliveries to the silos from road vehicles are only to be made by using tankers with an on board (truck mounted) relief valve and filtration system.
- 1.23** During the charging of the silos it shall be ensured that the transfer line is securely connected to the silo delivery inlet point before connecting to the tanker discharge point.
- 1.24** The silos shall be fitted with an audible and/or visual high level alarm to warn of overfilling.
- 1.25** The correct operation of the silos alarm shall be checked prior to any delivery taking place.
- 1.26** The seating of pressure relief valves on the silos shall be checked prior to any delivery taking place.

- 1.27** Further deliveries shall immediately be prevented if it appears that the pressure relief valve has become unseated during bag filling and no further delivery shall take place until corrective action has been taken.
- 1.28** A visual assessment of emissions from the silos' inlet connections and the silos' arrestment plant on these silos shall be undertaken throughout the duration of all bulk deliveries. The start and finish times of all deliveries shall be recorded in the log book. The filling of the silo shall cease if emissions of particulate matter are visible from ducting, pipe work, the pressure relief valve or dust arrestment plant during silo filling. The delivery shall not continue until the cause of the problem has been rectified.
- 1.29** The silos' arrestment plant and associated plant should be checked for defects prior to a delivery. If emissions or defects are detected then corrective action should be taken promptly and prior to any delivery taking place. Any failure of the silo management system shall result in a full investigation of the operation of the plant and equipment.
- 1.30** The clay preparation plant shall be fitted with dust containment, extraction and arrestment plant designed to meet the requirements of Conditions 1.1 and 1.8 (as it relates to particulate emissions). The flow of air through crushing, grinding or screening plant shall be minimised consistent with the efficient capture of emissions and compliance with workplace safety legislation.
- 1.31** All roadways and other areas within the process boundary which are in regular use by vehicles shall be hard surfaced except where they are of a transitory nature. All such roadways shall be swept on a regular basis using vacuum techniques so as to minimise dust emissions. All roadways should be kept in good repair.
- 1.32** All vehicles transporting raw clay from the site shall use the wheel wash facility as necessary so as to prevent the creation of dust outside of the clay stockpiling area.
- 1.33** All vehicles that regularly work on internal roadways shall have their exhausts directed above the horizontal to minimise dust creation.
- 1.34** A high standard of house keeping shall be maintained.
- 1.35** Visual and olfactory assessments of fugitive emissions from the whole site shall be made regularly and frequently and at least once per day. Details of all such assessments shall be recorded in the process log book. The record shall include the date and time of observation, an indication of the wind direction and speed, weather conditions, position of observation, an assessment of any adverse conditions observed, the cause of any adverse conditions observed and the corrective action taken, the identity of the observer.

Arrestment Equipment

- 1.36** All operations which generate emissions to air shall be contained and adequately extracted to suitable abatement plant
- 1.37** All arrestment plant, excluding silo arrestment, shall be fitted with continuous indicative monitoring instrumentation that will demonstrate the arrestment plant is functioning correctly.
- 1.38** The bag filter unit to the dust extraction system excluding silo arrestment shall be fitted with an audible and visual alarm that shall be activated if the plant fails for any reason.

Chimneys, Vents & Process Exhausts

- 1.39** All products of combustion from the kiln shall be discharged through chimney A1, as shown on the site plan (Section 3). All chimneys shall terminate not less than 25 metres above ground level.
- 1.40** No changes shall be made to the design, location or height of any process vents or chimneys without the prior consent of Tamworth Borough Council.
- 1.41** Chimneys or process vents shall not be fitted with any restriction at the final opening except that a cone to increase the efflux velocity shall be permitted. The final discharge from the chimneys shall be vertically upwards.
- 1.42** All chimneys, flues and ductwork leading to the chimneys shall be adequately insulated to minimise the cooling of waste gases and prevent liquid condensation on internal surfaces.
- 1.43** All chimneys, flues and ductwork leading to the chimneys shall be constructed and maintained so as to prevent fugitive emissions.
- 1.44** Chimney flues and ductwork shall be cleaned to prevent accumulation of materials.
- 1.45** All exhaust vents serving dust arrestment plant shall be at low level to minimise the effect in the case of abnormal emissions and to facilitate maintenance and inspection.

MANAGEMENT

Operations & Maintenance

- 2.1** A process logbook shall be kept at the process site for a minimum of 2 years and made available by the operator for examination by an authorised officer of Tamworth Borough Council.

- 2.2** Effective preventative maintenance shall be employed on all plant and the equipment concerned with the control of emissions to the air. There shall be documented operational control procedures, a documented preventative maintenance schedule which details all plant whose failure could lead to impact on the environment and documented procedures for monitoring emissions.
- 2.3** Essential spares and consumables – in particular those subject to continual wear - shall be held on site or be available at short notice from suppliers, in order to rapidly rectify breakdowns that may lead to unauthorised emissions to air.
- 2.4** Records of breakdowns shall be kept and analysed by the operator in order to eliminate common failure modes.
- 2.5** Any malfunction or breakdown leading to an abnormal emission shall be dealt with promptly and process operations adjusted until normal operations can be restored. All such malfunctions shall be recorded in the log book.
- 2.6** If a malfunction or breakdown is likely to have an effect on the local community Tamworth Borough Council shall be informed without delay and details of the incident shall be recorded in the process log book.
- 2.7** A competent person shall be appointed to liaise with an authorised officer of Tamworth Borough Council with regard to complaints. The operator shall notify Tamworth Borough Council within 8 weeks of the permit being granted the name of the appointed person.

Training

- 2.8** Appropriate staff shall receive adequate training and instruction in their duties relating to the proper control of the process and emissions to air. Particular emphasis shall be given to:
- start-up and shut down
 - 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 permit conditions
 - prevention of accidental emissions and action to be taken when accidental emissions occur

- awareness of all operating procedures.

2.09 Records of training needs and training received for appropriate staff shall be maintained and available for inspection by an authorised officer of Tamworth Borough Council.

2.10 An assessment shall be made of the potential environmental risks posed by the work of contractors on the site. If risks are identified instructions shall be issued to contractors detailing measure to be taken to reduce environmental risks.

RAW MATERIALS

3.1 An inventory shall be maintained which covers the principal types of raw materials used in the process this shall be referenced to annual production.

3.2 An annual review of alternatives for the principal types of raw materials shall be undertaken having regard for their environmental impact.

3.3 Quality procedures shall be in place to control the specification of raw materials used in order to minimise any environmental impact.

WASTE

Waste Handling

4.1 The operator shall record the quantity, nature, origin and where relevant, the destination, frequency of collection, mode of transport and treatment method of any waste which is disposed of or recovered. All records shall be referenced to annual production.

4.2 All waste storage areas shall be clearly marked and signed, and that containers are clearly labelled.

4.3 There shall be appropriate storage facilities provided for substances that are flammable, sensitive to heat or light and incompatible waste types shall be kept separate.

4.4 All containers storing waste shall be stored with the lids closed at all times when not in use.

4.5 Procedures shall be in place to deal with damaged or leaking containers of waste.

4.6 Dust from the abatement plant shall be collected in robust bags and shall be disposed of either directly or in fully enclosed skips.

- 4.7** All dusty waste shall be stored in closed containers and shall be handled in a manner that avoids emissions.

Waste Minimisation

- 4.8** An annual review shall be carried out to demonstrate that the best environmental options are being used for dealing with all waste from the installation
- 4.9** The operator shall carry out a waste minimisation audit annually. The methodology used and an action plan for optimising the use of raw materials shall be submitted to Tamworth Borough Council within 2 months of completion of the audit.
- 4.10** Specific improvements as a result of the recommendations of the audits shall be carried out by a time scale agreed with Tamworth Borough Council.

WATER

Emission Limits & Controls

- 5.1** The discharge from installation to the Dosthill Brook (Former Discharge 2 consent T/16/20602/T) at national Grid reference SK 2197 0012 shall consist solely of site drainage.
- 5.2** The discharge shall not contain more than 100 milligrams per litre of suspended solids (after drying at 105 degrees Celsius).
- 5.3** As far as is reasonably practicable, the site shall be operated so as to prevent the discharge from containing any significant trace of visible oil or grease.
- 5.4** Facilities shall be provided so as to enable samples of the effluent to be conveniently obtained at point W1 marked on plan (section 3)
- 5.5** The operator shall carry out regular monitoring of the discharge as described below:
- samples shall be taken each year
 - all samples shall be analysed for the conditioned parameters detailed above
 - all samples shall be analysed at a MCERTS accredited laboratory
 - a visual inspection of the discharge shall be made on a weekly basis and at the time of sampling. Records of these observations shall be kept on site and made available for inspection by an authorised officer of Tamworth Borough Council

- 5.6** The operator is required to report the monitoring results to Tamworth Borough Council within 60 days of a sample being taken.

Water Use

- 5.7** The operator shall carry out a regular review of water use. A comprehensive audit shall be carried out annually.
- 5.8** Using the information from the audits, opportunities for reducing water use shall be assessed and, where appropriate, shall be carried out in accordance with a time scale agreed with Tamworth Borough Council.
- 5.9** The volume of mains and abstracted water used in the activities shall be directly measured at least once a month, when the installation is operating. All measurements should be recorded and the records held on site.
- 5.10** Records of water usage shall be referenced to annual production.

ENERGY

- 6.1** If the operator is not a participant to a Climate Change Agreement (CCA) or a Direct Participation Agreement (DPA) they must meet the requirements of a third party verified suitable Energy Management System such as ISO5001.
- 6.2** The operator shall produce a report annually on the energy consumption of the installation. Records shall be referenced to annual production.
- 6.3** The operator shall monitor energy flows and target areas for reduction which shall be updated annually.
- 6.4** The operator shall ensure that all plant is operated and maintained to optimise the use and minimise the loss of energy.
- 6.5** The operator shall ensure that all appropriate containment methods are employed and maintained to minimise energy loss.

ACCIDENTS

- 7.1** The operator shall maintain a basic accident management plan that identifies the hazards, assesses the risks and identifies the measures required to reduce the risk of potential events or failures that might lead to an environmental impact. The plan shall include an identification of:
- the actions to be taken to minimise these potential occurrences; and
 - the actions to deal with such occurrences so as to limit their consequences

- 7.2** There shall be written procedures for investigating incidents, (and near misses) including identifying suitable corrective action and following up.
- 7.3** In the case of abnormal emissions arising from an accident, the operator shall investigate immediately and undertake remedial action as soon as practicable, promptly record the events and actions taken and ensure that Tamworth Borough Council are informed as soon as practicable.

NOISE & VIBRATION

- 8.1** The operator shall employ basic good practice measures for the control of noise.
- 8.2** Key plant and equipment which has the potential to give rise to noise nuisance shall be identified and attenuation measures installed so far as is practicable.
- 8.3** There shall be documented maintenance systems for the identified key plant and equipment.

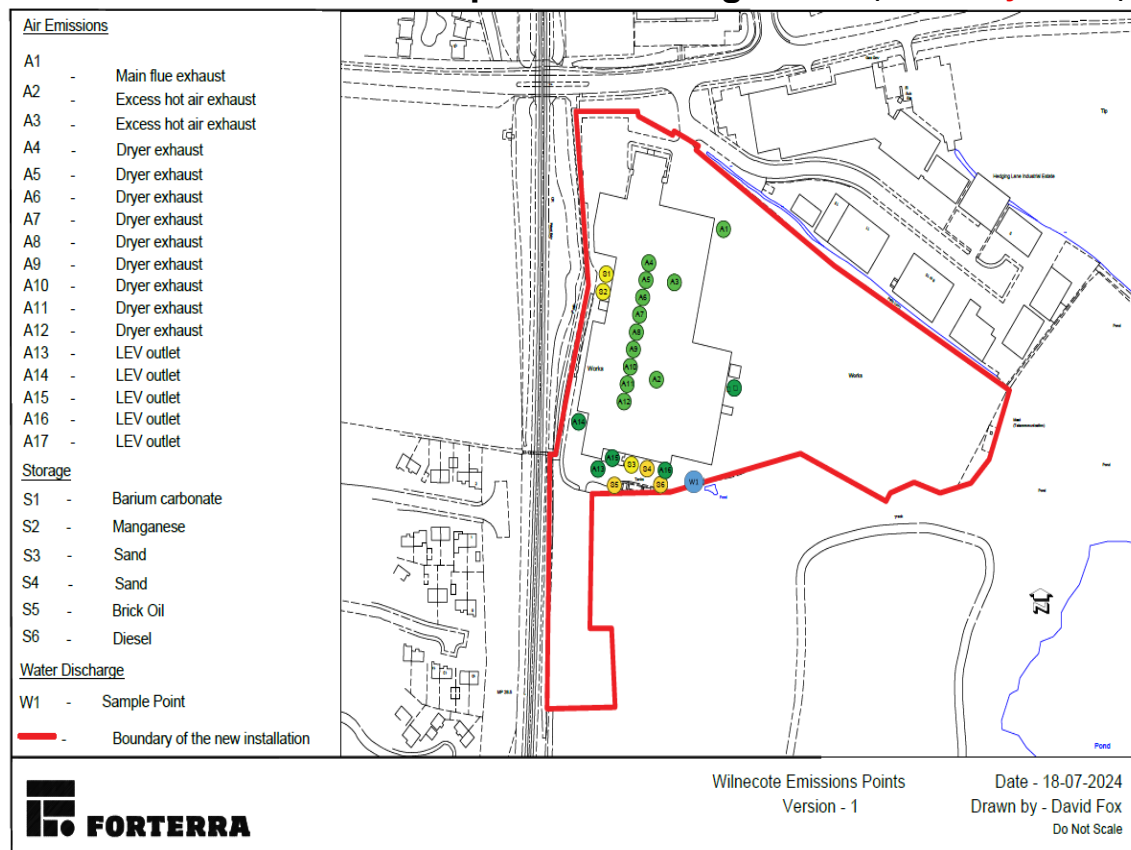
Section Three

Location of Permitted Installation

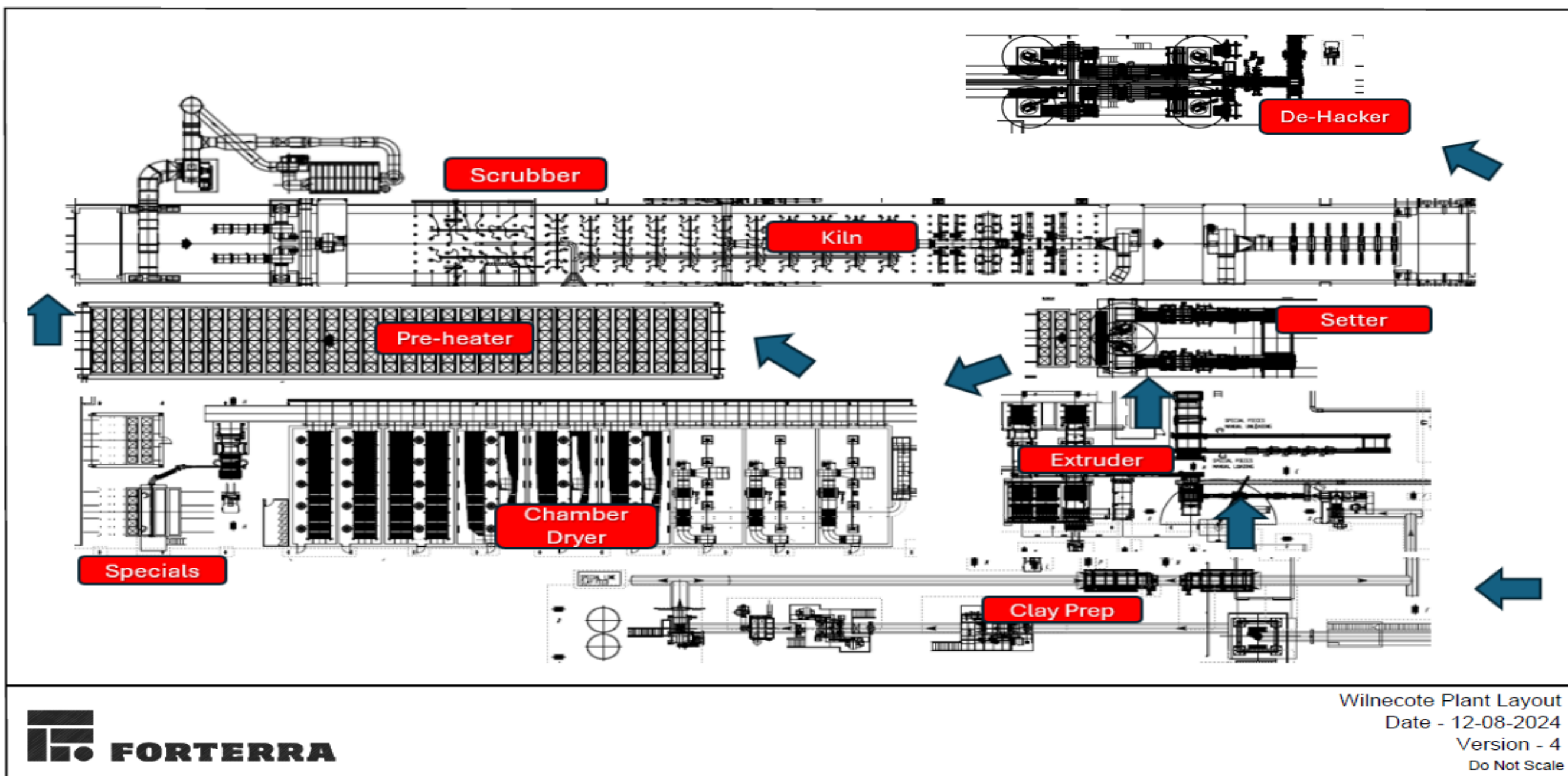
Site Location Map

Plan Ref A2/P1/2024-Plan 1

Installation with emission points & storage silos (boundary in red)



Process Layout Plan Ref A2-P1/2024 Plan 2



Wilnecote Plant Layout
Date - 12-08-2024
Version - 4
Do Not Scale

Section Four

Explanatory Notes And Appeals Procedure

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 in the Magistrates' court by a maximum fine of £50,000 and/or 12 months' imprisonment and in the Crown Court by a maximum unlimited fine and or up to five years imprisonment.

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
Marmion House
Lichfield Street
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 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.

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

The Relevant Statutory Guidance notes for Your Process are:

Sector guidance Note SG7

Secretary of State's Guidance for the A2 Ceramics Sector Including Heavy Clay, Refractories, Calcining Clay and Whiteware (2007)

Available at the following web link:

<https://www.gov.uk/government/collections/defra-guidance-on-local-authority-pollution-control-lapc-regime>

Pollution Prevention and Control Act 1999

http://www.opsi.gov.uk/acts/acts1999/ukpga_19990024_en_1

The Environmental Permitting (England and Wales) Regulations 2016

The Environmental Permitting (England and Wales) Regulations 2016
(legislation.gov.uk)

General Guidance Manual on Policy and Procedures for A2 and B Installations

<http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/manuals.htm>

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 e-mail/postal address and telephone number shall be used:

Email :- environmental-management@tamworth.gov.uk

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

During office hours: 01827 709445