

## VARIATION NOTICE

Pollution Prevention and Control Act 1999

The Environmental Permitting (England and Wales) Regulations 2007

Regulation 20

Certified a true copy of a notice  
served by me. Addressed as  
this copy

Recorded Del Date 02.03.10  
Name V Paddy Signature  
IPSWICH BOROUGH COUNCIL

PPC Permit Ref: 1.2/RJD/2/05  
Variation notice Ref: WK200912114  
EP Permit Ref: PS10/VPA/02/10

To:

**The Company Secretary, East of England Co-operative Society Ltd, Wherstead Park,  
The Street, Wherstead, Ipswich, IP9 2BJ**

Ipswich Borough Council ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2007 ("the 2007 Regulations") hereby gives you notice as follows:

The Council has decided to vary the conditions of permit reference 1.2/RJD/2/05 granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000 in respect of the operation of the installation at **East of England Co-operative Society Ltd, Nacton Road Service Station, Nacton Road, Ipswich, IP3 9QL.**

The varied consolidated permit and the date on which it takes effect are specified in Schedule 1 to this notice.

Signed on behalf of Ipswich Borough Council



.....  
Environmental Protection Manager  
An authorised Officer of the Council

Date: 2/3/2010

Permit issued by:

Environmental Protection Services  
Ipswich Borough Council  
Floor 4 East  
Grafton House  
15-17 Russell Road  
Ipswich  
IP1 2DE

Telephone: 01473 433053 or 01473 433112  
Fax: 01473 433062  
Website: [www.ipswich.gov.uk](http://www.ipswich.gov.uk)  
Email: [environmentalprotection@ipswich.gov.uk](mailto:environmentalprotection@ipswich.gov.uk)

## Schedule 1

The conditions contained in the varied consolidated permit Ref: PS10/VPA/02/10 overleaf come into effect immediately.

Signed on behalf of Ipswich Borough Council

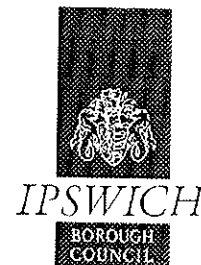


.....  
Environmental Protection Manager  
An authorised Officer of the Council

Date: 2/3/2010

# Permit Introductory Note

Local Authority Pollution Prevention and Control  
The Pollution Prevention and Control Act 1999  
The Environmental Permitting (England and Wales) Regulations 2007



East of England Co-operative Society Ltd  
Wherstead park  
The Street  
Wherstead  
Ipswich  
IP9 2BJ

LAPPC Permit Ref No:  
**PS10/VPA/02/10**

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## Chronicle

| Detail                   | Date                           | Comments       |
|--------------------------|--------------------------------|----------------|
| First authorised         | 22 <sup>nd</sup> December 1998 | 1.13/2/PB      |
| Variation Notice         | 6 <sup>th</sup> January 2003   | 1.4/1/13/5/V1  |
| LAPPC Deemed Application | 1 <sup>st</sup> April 2005     | Duly made      |
| Temporary Permit         | 27 <sup>th</sup> May 2005      | 1.2/RJD/2      |
| Consultation Permit      | 3 <sup>rd</sup> March 2006     | 1.2/RJD/2/05   |
| Consultation Permit      | 02 <sup>nd</sup> February 2010 | PS10/VPA/02/10 |
| Permit Issued            | 02 <sup>nd</sup> March 2010    | PS10/VPA/02/10 |

Permit issued by:

Environmental Protection Services  
Ipswich Borough Council  
Grafton House  
15-17 Russell Road  
Ipswich  
IP1 2DE

Telephone: 01473 433115  
Fax: 01473 433062  
Website: [www.ipswich.gov.uk](http://www.ipswich.gov.uk)  
Email: [environmentalprotection@ipswich.gov.uk](mailto:environmentalprotection@ipswich.gov.uk)

***This introductory note does not form part of the permit***

The following Permit is issued under Regulation 13 of the Environmental Permitting (England and Wales) Regulations 2007, hereinafter referred to as the EP Regulations, to operate a scheduled installation carrying out an activity, or activities covered by the description in paragraph (d) Part B of section 1.2 Part 2 of Chapter 1 to Schedule 1 of the EP Regulations, to the extent authorised by the Permit.

Conditions within this Permit detail Best Available Techniques (BAT), for the management and operation of the installation, to prevent, or where that is not practicable, to reduce emissions.

In determining BAT, the Operator should pay particular attention to relevant sections of the LAPPC Process Guidance note 1/14(06), and any other relevant guidance. Techniques include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned. The general BAT condition in this permit is regarded as covering, among any other matters, the provision of sufficient training and practical instruction for service station operation staff; in order to enable them to carry out their duties in respect of using (or supervising the use of) and maintaining vapour collection controls, and the actions to be taken in the event of leak of vapour.

Note that the Permit requires the submission of certain information to the Regulator, and in addition, the Regulator has the power to seek further information at any time under Regulation 60 of the EP Regulations provided that the request is reasonable.

**Public Registers**

Information relating to Permits, including the application, is available on public registers in accordance with the EP Regulations. Certain information may be withheld from the public registers where it is commercially confidential, or if it is in the interest of national security to do so.

**Variations to the Permit**

The Regulator may vary the permit in the future, by serving a variation notice on the Operator. Should the Operator want any of the conditions of the Permit to be changed, a formal application must be submitted to the Regulator (the relevant forms are available from the Regulator). The Status Log that forms part of this introductory note will include summary details of this Permit, variations issued up to that point in time and state whether a consolidated version of the Permit has been issued.

**Transfer of the Permit or Part of the Permit**

Before the Permit can be wholly or partially transferred to another Operator, an application to transfer the Permit has to be made jointly by the existing and proposed Operators. A transfer will not be approved if the Regulator is not satisfied that the proposed Permit holder will be the person having control over the operation of the installation, or will not comply with the conditions of the transferred Permit. In addition, if the Permit authorises the Operator to carry out a specified waste management activity, the transfer will not be approved if the Regulator does not consider the proposed Permit holder to be a 'fit and proper person' as required by the EP Regulations.

### **Surrender of the Permit**

Where an Operator intends to cease the operation of an installation (in whole or in part) the Regulator should be informed in writing. Such notification must include the information specified in Regulation 24(3) of the EP Regulations.

### **Responsibility under Workplace Health and Safety Legislation**

The permit is given in relation to the requirements of the EP Regulations. It must not be taken to replace any responsibilities an Operator may have under the workplace health and safety legislation.

### **Appeal Against Permit Conditions**

Any person who is aggrieved by the conditions attached to a Permit can appeal to the Secretary of State for Environment, Food & Rural Affairs. Appeals must be received by the Secretary of State no later than 6 months from the date of the decision (the date of the Permit).

Appeals relating to installations in England should be received by the Secretary of State for Environment, Food & Rural Affairs. The address is as follows:

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

The appeal must be in the form of a written notice or letter stating that the person wishes to appeal and listing the condition(s) which is/are being appealed against. The following five items must be included:

- (a) A statement of the grounds of appeal;
- (b) A copy of any relevant application;
- (c) A copy of any relevant Permit;
- (d) A copy of any relevant correspondence between the person making the appeal and the Council;
- (e) A statement indicating whether the appellant wishes the appeal to be dealt with.
  - by a hearing attended by both parties and conducted by an inspector appointed by the Secretary of State; or
  - by both parties sending the Secretary of State written statements of their case (and having the opportunity to comment upon one another's statements).

At the same time, the notice of appeal and documents (a) and (e) must be sent to the Council, and the person making the appeal should inform the appropriate Secretary of State that this had been done.

- An appeal will not suspend the effect of the conditions appealed against; the conditions must still be complied with.
- In determining an appeal against one or more conditions, the Act allows the Secretary of State in addition to quash any of the other conditions not subject to the appeal and to direct the local authority to either vary any of these conditions or to add new conditions.

### **Copyright of any Maps Provided with this Permit**

The Ordnance Survey mapping included within this publication is provided by Ipswich Borough Council, under licence from the Ordnance Survey in order to fulfil its public function to provide information regarding environmental searches, site notices or authorisations for prescribed processes. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping for their own use.

### **Talking to us**

Please quote the Permit Number if you contact the Regulator about this permit. To give a notification, the Operator should telephone 01473 433115 or any other number notified in writing by the Regulator for that purpose.

***~ End of Introductory Note~***

# Permit

**The Pollution Prevention and Control Act 1999  
The Environmental Permitting (England and Wales) Regulations 2007**



LAPPC Permit Ref No: **PS10/VPA/02/10**

Ipswich Borough Council in exercise of its powers under Regulation 13 of the Environmental Permitting (England and Wales) Regulations 2007 hereby authorises:

**East of England Co-operative Society Ltd**

Whose Registered Office is:

**East of England Co-operative Society Ltd  
Wherstead park  
The Street  
Wherstead  
Ipswich  
IP9 2BJ**

to operate an installation at:

**Nacton Road Service Station  
Nacton Road  
Ipswich  
IP3 9QL**

to the extent authorised by and subject to the conditions of this Permit.

Signature:

Steve Rock  
Environmental Protection Manager  
(The Authorised Officer for this purpose)

Date:

Permit issued by:

Environmental Protection Services  
Ipswich Borough Council  
Grafton House  
15-17 Russell Road  
Ipswich  
IP1 2DE

Telephone: 01473 433115  
Fax: 01473 433062  
Website: [www.ipswich.gov.uk](http://www.ipswich.gov.uk)  
Email: [environmentalprotection@ipswich.gov.uk](mailto:environmentalprotection@ipswich.gov.uk)

## **OPERATING CONDITIONS**

### **Process Description and General Information**

The unloading of petrol into stationary storage tanks at Nacton Road Service Station, Nacton Road, Ipswich, IP3 9QL, within the process boundary marked on the attached site plan 1.

Attached site plan 2 shows the site layout.

The service station has 3 petrol storage tanks.

The deliveries of petrol can occur at any time and may occur outside normal operating hours. The deliveries are directly supervised by a service station operator or controlled entirely by the road tanker driver.

The process is designed and operated to prevent and control emissions to air using the Best Available Techniques, as described by the Secretary of State in Process Guidance Note 1/14 (06).

The conditions in this permit are required to be met in order to achieve that aim.

### **Emission Limits, Monitoring and Other Provisions**

1. Vapours displaced by the delivery of petrol into storage installations at service stations shall be returned through a vapour tight connection line to the road tanker delivering the petrol. Unloading operations may not take place unless the arrangements are in place and properly functioning, subject to conditions 3, 4 and 5.

2. The Operator shall implement the following schedule of preventative maintenance. Once per year the Operator shall carry out the following checks and maintenance work.

- a visual inspection of fill pipe adaptors and caps and replace as required;
- a visual inspection of the vapour connection point, including the condition of the adaptor, poppet valve and dust cover and replace as required.
- a visual inspection of the position and clarity of the notices required by condition 13 of this permit.
- a visual inspection of the pressure/vacuum relief valve and clean flame arrestor/gauzes.

The inspections shall comprise checks for build up of deposits, wear, damage, blockage, leakage and correct operation.

Records of all maintenance checks shall be made and copies retained on site for a minimum of two years, and available for inspection by an authorised officer of Ipswich Borough Council.

3. All reasonably 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



3. All reasonably 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 should be recorded in the log book required under condition 34. 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 advise the regulator of 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.
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 referred to in this permit 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. The vapour collection systems shall be of a size and design, as approved by the regulator, to minimize vapour emission during the maximum petrol and vapour flow in accordance with the conditions stated in this permit (i.e. when most tank compartments are being simultaneously discharged).
8. The number of tanker compartments being discharged simultaneously shall not exceed 2, excluding the diesel compartment[s].
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 delivery and vapour return pipes shall be different to prevent mis-connection.
11. Petrol storage tank vent pipe(s) shall be fitted with a pressure vacuum relief valve to minimise vapour loss during unloading and storage of petrol. The pressure vacuum relief valve shall be sized and weighted to prevent vapour loss, except when the storage tanks are subject to potentially hazardous pressurisation.
12. When connecting hoses prior to delivery, the vapour return hose shall be connected before any delivery hose. 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 for the storage tank, 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.

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 compartment dip testing shall not be performed whilst the vapour hose is connected.
16. A trained competent person shall remain near the tanker and keep a constant watch on hoses and connections during unloading.
17. All road tanker compartment 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 hose has been discharged and disconnected. The delivery hose shall be disconnected at the road tanker end first. The vapour return hose shall be disconnected at the storage tank 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 following:
  - when any modification is made to the system, or
  - if any leak or malfunction is suspected.
23. Pressure vacuum relief valves on petrol storage tank vents shall be checked for correct functioning, including extraneous matter, seating and corrosion at least once every three years.
24. Vapours displaced by the filling of petrol into vehicle petrol tanks at service stations shall be recovered through the use of a Stage II vapour recovery system known as an active system with automatic monitoring. Filling of vehicle petrol tanks shall not take place unless such a system is in place and fully functioning.
25. The vapour recovery system referred to in condition 24 shall be certified by the manufacturer to have a hydrocarbon capture efficiency of not less than 85%. Equipment used shall be approved for use under the regulatory regimes of at least one European Union or European Free Trade Association country.
26. The vapour recovery equipment referred to in condition 24 shall be designed, installed and tested in accordance with the relevant British, European and international standards or national methods in place at the time that the equipment was installed.
27. The installation has in place an automatic monitoring system in accordance with condition 29.

28. Petrol delivery and vapour recovery systems for vehicle petrol tanks shall be tested in accordance with the manufacturer's specifications prior to commissioning and for:

- Vapour containment integrity at least once every three years, and always following substantial changes or significant events that lead to the removal or replacement of any of the components required to ensure the integrity of the containment system.
- Effectiveness of the vapour recovery system at least once every three years where an automatic monitoring system. As the system on site is an open active vapour recovery system, this shall be undertaken by measuring the ratio of the volume of vapour recovered to liquid petrol dispensed i.e. vapour/petrol (V/P) ratio. The V/P ratio shall be at least 95% and, where the vapours are recovered into the fuel storage tank, not greater than 105% to avoid excessive pressure build up and consequent release through the pressure relief valves. The V/P ratio shall be determined by simulating the dispensing of petrol using measuring equipment approved for use in any European Union or European Free Trade Association country. The method to be used shall involve measuring the volume of air recovered with fuel flow simulated at the dispenser and read electronically using the approved measuring equipment. This provides the ratio of air recovered to liquid dispensed (air/liquid ratio) which should then be corrected to provide the V/P ratio using an appropriate factor to account for the difference in viscosity between petrol vapour and air ('k-factor').

29. The automatic monitoring system referred to in condition 27 shall:

- Automatically detect faults in the proper functioning of the petrol vapour recovery system including the automatic monitoring system itself and indicate faults to the operator. A fault shall be deemed to be present where continuous monitoring during filling of vehicle petrol tanks indicates that the V/P ratio (condition 28) averaged over the duration of filling has fallen below 85% or has exceeded 115% for ten consecutive filling operations. This only applies to filling operations of at least 20 seconds duration and where the rate of petrol dispensed reaches at least 25 litres per minute.
- Automatically cut off the flow of fuel on the faulty delivery system if the fault is not rectified within 1 week.
- Be approved for use under the regulatory regime of at least one European Union or European Free Trade Association country.

30. The operator shall also undertake a weekly check to verify functionality of the system for recovery of vapours during filling of vehicle petrol tanks, including:

- A test of functionality of the vapour recovery system using appropriate equipment;
- An inspection for torn, flattened or kinked hoses and damaged seals on vapour return lines;

31. Operators shall be notified without delay if the results from any monitoring or tests mentioned in Conditions 28, 29 or 30 identifies adverse results, vapour recovery equipment failure or leaks if there is likely to be an effect on the local community, The operator should advise the regulator of the corrective measures to be taken and the timescales over which they will be implemented.

32. Effective preventative maintenance shall be employed on all aspects of the installation including all plant, buildings and the equipment concerned with the control of emissions to air. Preventative maintenance for all vapour recovery systems shall be carried out in accordance with the manufacturer's instructions

33. Spares and consumables needed shall be held on site, or should be available at short notice from guaranteed suppliers, so that plant breakdowns can be rectified rapidly.

34. The operator shall maintain a log book at the authorised premises 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.

The operator shall record in the log book details of all maintenance; examination and testing; installation and repair work carried out on equipment for recovery of vapours during filling of vehicle petrol tanks. The operator shall also hold at the premises the certificate referred to in Condition 25 and the results of testing undertaken in accordance with Condition 28.

35. Venting of the petrol vapour shall be through the vent pipes marked on site plan 2.

36. The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.

37. The Operator shall be aware that important elements for effective control of emissions shall include:

- proper management; supervision and training for process operations
- proper use of equipment and
- effective preventative maintenance on all plant and equipment concerned with the control of emissions to the air.

38. The Operator shall ensure staff at all levels need the necessary training and instruction in their duties relating to control of the process and emissions to air.

39. The Operator shall ensure that training of all staff with responsibility for operating the process shall include:

- awareness of their responsibility under the permit; in particular supervising and performing unloading operations of tankers
- actions to minimise emissions during abnormal conditions

40. The Operator shall maintain a statement of training requirements for each operational part and keep a record of the training received by each person whose actions may have an impact on the environment. These documents shall be made available to an authorised officer of Ipswich Borough Council at their request.

41. The Operator shall notify Ipswich Borough Council without delay of:

- the detection of any malfunction, breakdown or failure of plant or techniques which has caused, is causing or has the potential to cause significant pollution; and
- any accident, which has caused, is causing or has the potential to cause significant pollution.

42. The Operator shall give written notification as soon as practicable prior to any of the following:

- permanent cessation of the operation of part or all of the Permitted Installation;
- cessation of operation of part or all of the Permitted Installation for a period likely to exceed one year; and
- resumption of the operation of part or all of the Permitted Installation after a cessation has been notified.

43. The Operator shall notify the following matters to Ipswich Borough Council in writing within 14 days of their occurrence:

- any change to the operation capable of altering the substances from the operation. The notification must contain a description of the proposed change in operation. 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;
- any change in the Operator's trading name, registered name or registered office address;
- any change to particulars of the Operator's ultimate holding company (including details of an ultimate holding company where an Operator has become a subsidiary);
- any steps taken with a view to the Operator going into administration, entering into a company voluntary arrangement, or being wound up.

***~ End of Permit~***

## **Appendix 1**

This OFFICE COPY shows the state of the title plan on 20 MAY 1998 and is admissible in evidence to the same extent as the original. This office copy of the title plan may be subject to minor distortions in scale.

Issued on 21 MAY 1998 by the Hull District Land Registry.

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H.M. LAND REGISTRY

SK85245

ORDNANCE SURVEY  
PLAN REFERENCE

TM1941 TM1942

Scale  
1:2500

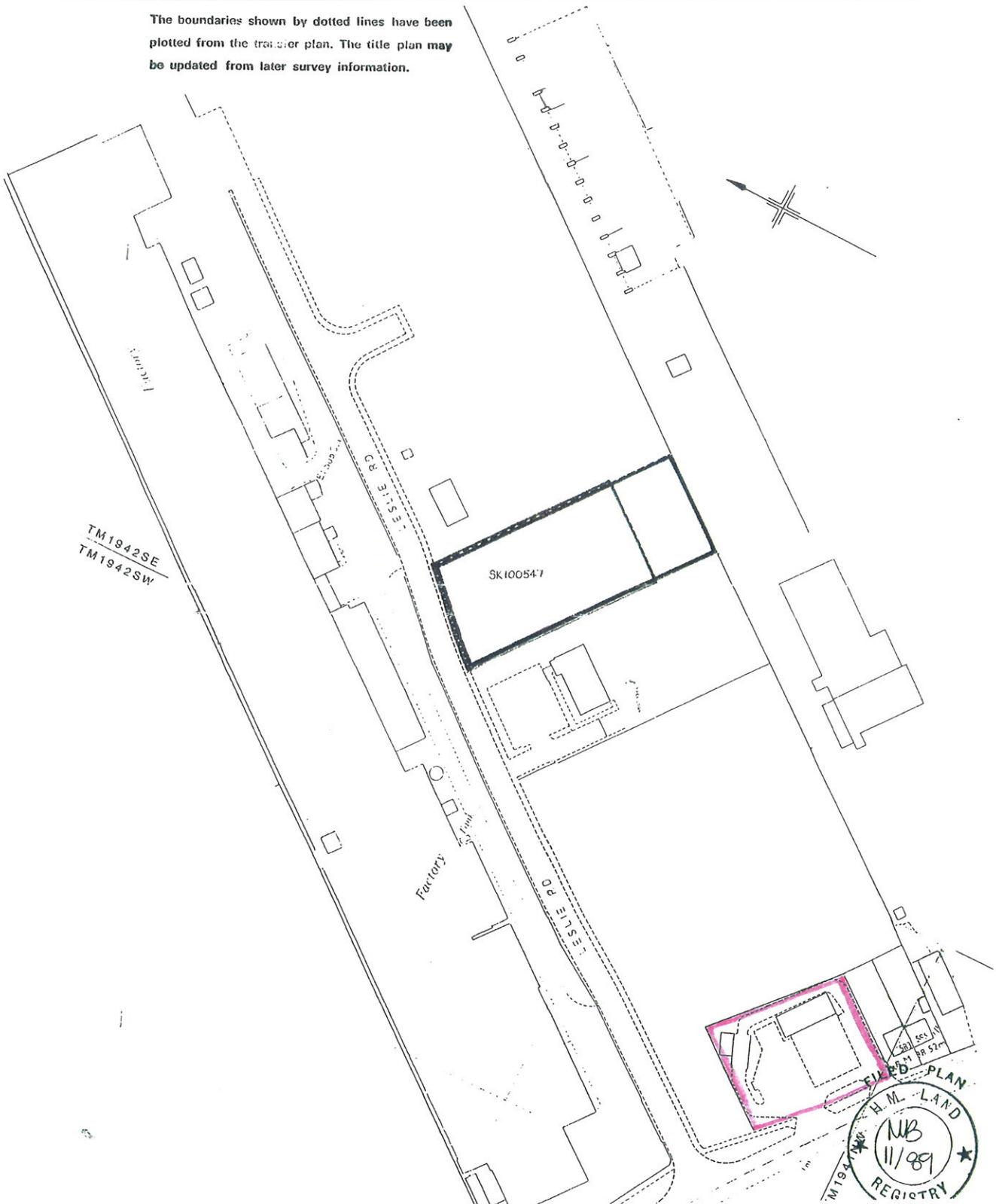
COUNTY SUFFOLK

DISTRICT

IPSWICH

© Crown copyright

The boundaries shown by dotted lines have been plotted from the transfer plan. The title plan may be updated from later survey information.

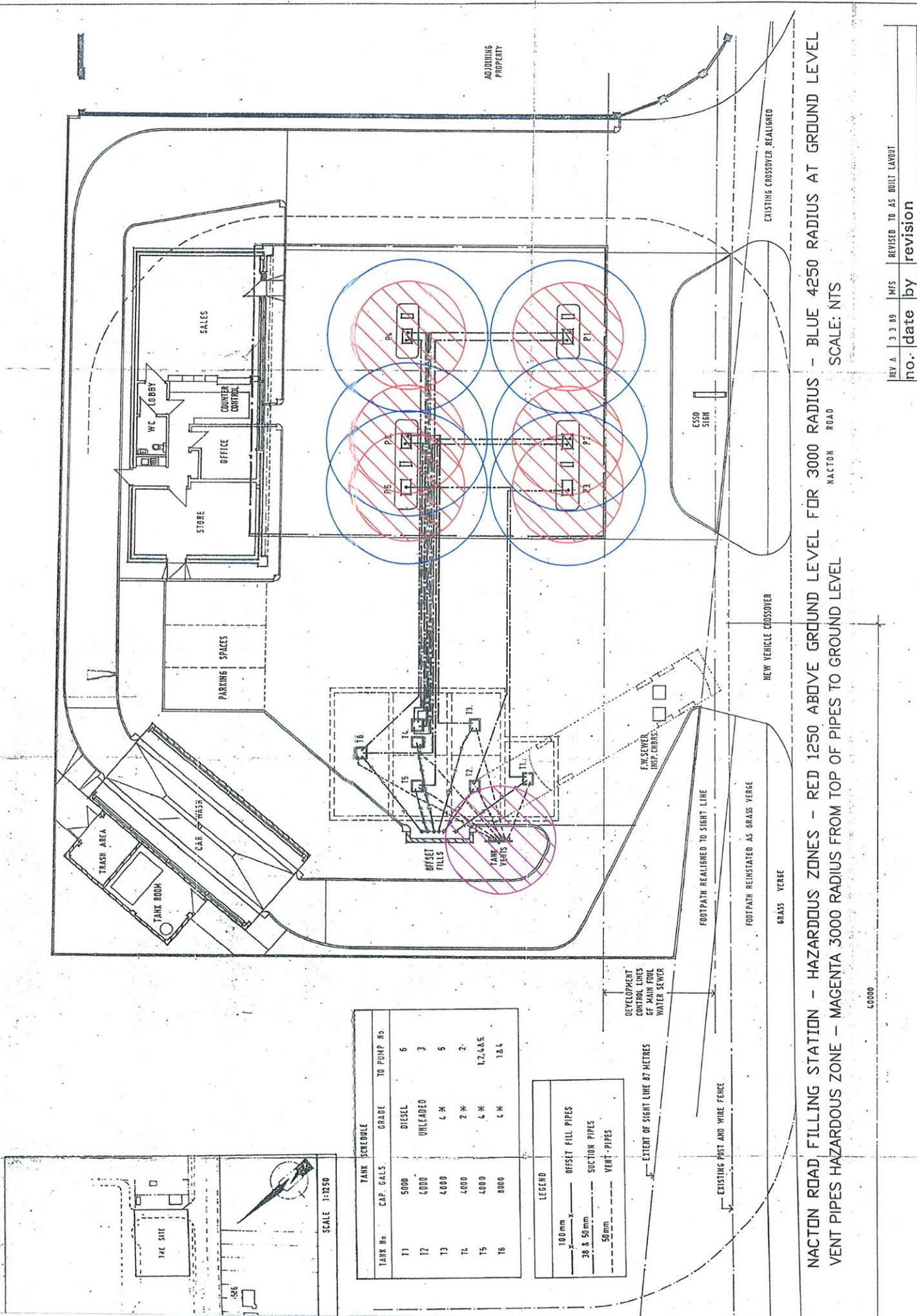


## **Appendix 2**



Vent Pipes = MAGENTA

Site Plan 2



| TANK SCHEDULE |            |          |             |
|---------------|------------|----------|-------------|
| TANK No.      | CAP. GALS. | GRADE    | TO PUMP No. |
| T1            | 5000       | DIESEL   | 6           |
| T2            | 4000       | UNLEADED | 3           |
| T3            | 4000       | 4 *      | 5           |
| T4            | 4000       | 2 *      | 2           |
| T5            | 4000       | 4 *      | 1,2,4,5,5   |
| T6            | 8000       | 4 *      | 1,4         |

| LEGEND    |                   |
|-----------|-------------------|
| 100mm     | OFFSET FILL PIPES |
| 38 & 50mm | SUCTION PIPES     |
| 50mm      | VENT PIPES        |

NACTON ROAD, FILLING STATION - HAZARDOUS ZONES - RED 1250 ABOVE GROUND LEVEL FOR 3000 RADIUS - BLUE 4250 RADIUS AT GROUND LEVEL  
VENT PIPES HAZARDOUS ZONE - MAGENTA 3000 RADIUS FROM TOP OF PIPES TO GROUND LEVEL

| REV | A    | 3  | 3        | 89 | MFS | REVISED TO | AS BUILT LAYOUT |
|-----|------|----|----------|----|-----|------------|-----------------|
| no. | date | by | revision |    |     |            |                 |

40000

## Guidance for operators receiving a Variation Notice

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

Further guidance can be found in the PPC General Guidance Manual at <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/manuals.htm>.

### Dealing with a Variation Notice

This notice varies the terms of the permit specified in the Notice by amending or deleting certain existing conditions and/or adding new conditions. The Schedules attached to the notice explain which conditions have been amended, added or deleted and the dates on which these have effect.

The Council may have included a 'consolidated permit', which takes into account these and previous variations. Where a consolidated permit is not included this variation notice must be read in conjunction with your permit document.

### Offences

Failure to comply with a Variation Notice is an offence under regulation 38(1) (b) of the 2007 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 an unlimited fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in the Magistrates or Crown Court.

### Appeals

Under regulation 31 and Schedule 6 of the 2007 Regulations operators have the right of appeal against the conditions attached to their permit by a variation notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State/Welsh Ministers given under regulations 61 or 62 or a direction or when determining an appeal.

Appeals against a Variation Notice do not have the effect of suspending the operation of the Notice. Appeals do not have the effect of suspending permit conditions, or any of the mentioned notices.

Notice of appeal against a Variation Notice must be given within two months of the date of the variation notification, which is the subject matter of the appeal. The Secretary of State/Welsh Ministers may in a particular case allow notice of appeal to be given after the expiry of this period, but would only do so in the most compelling circumstances.

### How to appeal

There are no forms or charges for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide the Secretary of State or Welsh Minister with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2007 Regulations):

- written notice of the appeal
- a statement of the grounds of appeal;
- a copy of any relevant application;
- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or dealt with by way of written representations.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for confidentiality under regulation 48 of the 2007 Regulations, and provide relevant details – see below. Unless such information is provided all documents submitted will be open to inspection.

#### Where to send your appeal documents

Appeals should be despatched on the day they are dated, and addressed to:

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

Or for appeals in Wales:

The Planning Inspectorate  
Crown Buildings  
Cathays Park  
CARDIFF  
CF10 3NQ

If an appeal is made, the main parties will be kept informed about the next steps, and will also normally be provided with additional copies of each other's representations.

To withdraw an appeal – which may be done at any time - the appellant must notify the Planning Inspectorate in writing and copy the notification to the local authority who must in turn notify anyone with an interest in the appeal.

#### Costs

The operator and local authority will normally be expected to pay their own expenses during an appeal. Where a hearing or inquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6, either the appellant or the authority can apply for costs. Applications for costs are normally heard towards the end of the proceedings and will only be allowed if the party claiming them can show that the other side behaved unreasonably and put them to unnecessary expense. There is no provision for costs to be awarded where appeals are dealt with by written representatives.

#### Confidentiality

An operator may request certain information to remain confidential, i.e. not be placed on the public register. The operator must request the exclusion from the public register of confidential information at the time of supply of the information requested by this notice or any other notice. The operator should provide clear justification for each item wishing to be kept from the register. The onus is on the operator to provide a clear justification for each item to be kept from the register. It will not simply be sufficient to say that the process is a trade secret.

The test of whether information is confidential for the purposes of being withheld from the public register is complex and is explained, together with the procedures, in chapter 8 of the PPC General Guidance Manual.

#### National security

Information may be excluded from the public register on the grounds of National Security. If it is considered that the inclusion of information on a public register is contrary to the interests of national security, the operator may apply to the Secretary of State/Welsh Ministers, specifying the information and indicating the apparent nature of risk to national security. The operator must inform the local authority of such an application, who will not include the information on the public register until the Secretary of State/Welsh Ministers has decided the matter.