



EP Permit ref: **PPC/A2/01**

Variation ref: **V01/2015**

Barrow-in-Furness Borough Council

THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2010 (AS AMENDED), REGULATION 18 AND 20

VARIATION NOTICE

To **Barrow-in-Furness Borough Council, Town Hall, Barrow-in-Furness, Cumbria. LA14 2LD**

Barrow-in-Furness Borough Council ("the Council"), in the exercise of the powers conferred upon it by Regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010¹ ("the 2010 Regulations") hereby gives you notice as follows:

The Council has decided to vary the conditions of permit reference **PPC/A2/01** granted under Regulation 13(1) of the 2010 Regulations in respect of the operation of the installation at

Furness Brick & Tile Co. Ltd., Askam-in-Furness, Cumbria. LA16 7HF

The variation of the conditions of the permit and the date(s) on which they are to take effect are specified in Schedule 1 to this notice. A consolidated permit as varied by this notice is set out in Schedule 2.

Signed on behalf of Barrow-in-Furness Borough Council

.....
Environmental Health Manager
An authorised officer of the Council

Date: 5th January 2015

¹ SI 2010/675

EP Permit ref: **PPC/A2/01**
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SCHEDULE 1

<p align="center">VARIATION TO THE CONDITIONS OF THE PERMIT</p>	<p align="center">DATE(S) ON WHICH THE VARIATION IS TO TAKE PLACE</p>
<p align="center">Deletion of Conditions (The following conditions have been deleted and the permit renumbered.)</p>	
<p>Condition 4 shall be deleted:</p> <p>Within 6 months of the date of issue of this permit, the operator shall investigate how an additional sampling port can be added to the stack to enable compliance with BS 9096 for particulate monitoring, using appropriately qualified consultants. A report of this investigation shall be submitted to the regulator within the 6 months.</p>	<p align="center">5th January 2015</p>
<p>Condition 9 shall be deleted:</p> <p>Within 3 months of the issue of this permit, a diagrammatic representation of all flues and ductwork shall be forwarded to the regulator.</p>	<p align="center">5th January 2015</p>
<p>Condition 11 shall be deleted:</p> <p>Within 9 months of the issue of this permit, a report shall be supplied to the regulator containing a review of options to increase the buoyancy of the plume and/or its efflux velocity to prevent the plume grounding nearby.</p>	<p align="center">5th January 2015</p>
<p>Condition 12 shall be deleted:</p> <p>Within 2 years of the issue of this permit the recommendations produced in the report described in condition 11 shall be implemented.</p>	<p align="center">5th January 2015</p>
<p>Condition 25 shall be deleted:</p> <p>Coal/coke shall be transported to the top of the kiln via a covered conveyor.</p>	<p align="center">5th January 2015</p>
<p>Condition 31 shall be deleted:</p>	<p align="center">5th January 2015</p>

<p>The soakaway shall be constructed to comply with the following:</p> <ul style="list-style-type: none"> (a) no part of the soakaway system constructed shall be more than 2 metres below ground level; (b) no part of the soakaway system shall be below the saturated groundwater level; (c) there is no connection to any watercourse or land drainage system; (d) no part of the soakaway system is situated within 10 metres of any ditch or watercourse; (e) no part of the soakaway system is within 50 metres of a well or borehole. 	
<p>Condition 39 shall be deleted:</p> <p><i>There shall be no direct or indirect discharge of List I substances to groundwater (as set out in Annex 1(see Appendix 3));</i></p>	<p>5th January 2015</p>
<p>Condition 40 shall be deleted:</p> <p><i>The discharge of List II substances (as set out in Annex 1 (see Appendix 3)) shall be restricted to minimise the impact on and prevent pollution of groundwater.</i></p>	<p>5th January 2015</p>
<p>Condition 41 shall be deleted:</p> <p>This Schedule shall cease to have effect 30th March 2018.</p>	<p>5th January 2015</p>
<p>Condition 42 shall be deleted:</p> <p>Within 6 months of the date of issue of this permit, a soakaway for the site canteen facilities shall be constructed to the satisfaction of the regulator. Plans showing the position of the soakaway shall be forwarded to the operator for approval as soon as is practicable, before work commences.</p>	<p>5th January 2015</p>
<p>Condition 43 shall be deleted:</p> <p>The septic tank shall be operated and the effluent shall be treated in a manner which, so far as reasonably practicable, minimises the polluting effects of the Discharge made from the septic tank on groundwater.</p>	<p>5th January 2015</p>
<p>Condition 44 shall be deleted:</p> <p>The Discharge shall consist solely of biologically treated sewage effluent from the site canteen facilities.</p>	<p>5th January 2015</p>
<p>Condition 45 shall be deleted:</p>	<p>5th January</p>

<p>The Discharge shall be made in the manner and at the place specified as:</p> <p><i>(a) discharging to groundwater via a soakaway system;</i> <i>(b) at a location to be agreed with the Regulator</i> <i>(c) there shall be no direct discharge to groundwater.</i></p>	<p>2015</p>
<p>Condition 46 shall be deleted:</p> <p>The soakaway shall be constructed to comply with the following:</p> <p><i>(a) no part of the soakaway system constructed shall be more than 2 metres below ground level;</i> <i>(b) no part of the soakaway system shall be below the saturated groundwater level;</i> <i>(c) there is no connection to any watercourse or land drainage system;</i> <i>(d) no part of the soakaway system is situated within 10 metres of any ditch or watercourse;</i> <i>(e) no part of the soakaway system is within 50 metres of a well or borehole</i></p>	<p>5th January 2015</p>
<p>Condition 47 shall be deleted:</p> <p>An appropriately labelled sample point shall be provided and maintained at a point as agreed in writing with the Regulator, so that a representative spot sample of the Discharge may be obtained. The Operator shall ensure that all constituents of the Discharge pass through the said sampling point at all times and in any legal proceedings it shall, for the purposes of Section 10 of the Rivers (Prevention of Pollution) Act 1961, be presumed, until the contrary is shown, that any sample of the Discharge taken at the said sampling point is a sample of what was being discharged into controlled</p>	<p>5th January 2015</p>
<p>Condition 48 shall be deleted:</p> <p>Within 6 months of the issue of this permit, the Operator shall establish and operate a documented maintenance schedule and record all non-routine actions undertaken that may have adversely affected effluent quality. Copies of the programme shall be made available for inspection by the Regulator at all reasonable times.</p>	<p>5th January 2015</p>
<p>Condition 49 shall be deleted:</p> <p>On request the Operator shall supply the Regulator with a written report on the maintenance undertaken and all non-routine actions that may have adversely</p>	<p>5th January 2015</p>

affected effluent quality.	
Condition 50 shall be deleted: The Operator shall as soon as reasonably practicable report to the Regulator all non-routine actions that may have adversely affected effluent quality.	5 th January 2015
Condition 51 shall be deleted: The volume of the Discharge shall not exceed 3.0 cubic metres per day.	5 th January 2015
Condition 52 shall be deleted: As far as is reasonably practicable, the septic tank shall be operated so as to prevent the Discharge from containing any significant trace of visible oil or grease.	5 th January 2015
Condition 53 shall be deleted: The septic tank and soakaway system shall be operated and maintained in accordance with good operational practice such that: (a) it remains fully operational except at times of unavoidable mechanical or electrical breakdown which shall be attended to, and the Agency informed of the failure, as soon as practicable after the failure; (b) following a failure all equipment shall be returned to normal operation as soon as practicable; (c) tanks shall be desludged at sufficient frequency and in such a manner to prevent excessive carryover of suspended solids.	5 th January 2015
Condition 54 shall be deleted: <i>There shall be no direct or indirect discharge of List I substances to groundwater (as set out in Annex 1) (see Appendix 3);</i>	5 th January 2015
Condition 55 shall be deleted: <i>The discharge of List II substances (as set out in Annex 1) (see Appendix 3) shall be restricted to minimise the impact on and prevent pollution of groundwater.</i>	5 th January 2015
Condition 56 shall be deleted: This Schedule shall cease to have effect on 30th March 2018	5 th January 2015

<p>Condition 57 shall be deleted:</p> <p>The plant shall be operated and the effluent shall be treated in a manner which, so far as reasonably practicable, minimizes the polluting effects of the Discharge made from the plant on controlled waters.</p>	5 th January 2015
<p>Condition 58 shall be deleted:</p> <p>This condition does not require any alteration of the type of treatment used from that specified in the application.</p>	5 th January 2015
<p>Condition 59 shall be deleted:</p> <p>The Discharge shall consist solely of trade effluent consisting of site drainage</p>	5 th January 2015
<p>Condition 60 shall be deleted:</p> <p>The Discharge shall be made in a manner and at the place specified as:</p> <p>(a) discharging to a tributary of the Blea Beck (b) at National Grid Reference SD 2176 7625</p>	5 th January 2015
<p>Condition 61 shall be deleted:</p> <p>The outlet to controlled waters shall be constructed and maintained so that a representative sample of the Discharge may be obtained at National Grid Reference SD 2176 7625.</p>	5 th January 2015
<p>Condition 62 shall be deleted:</p> <p>Within 6 months of the issue of this permit, the Operator shall establish and operate a documented preventative maintenance schedule and record all non-routine actions undertaken that may have adversely affected effluent quality. Copies of the programme shall be made available for inspection by the Regulator at all reasonable times.</p>	5 th January 2015
<p>Condition 63 shall be deleted:</p> <p>On request the Operator shall supply the Regulator with a written report on the maintenance undertaken and all non-routine actions that may have adversely affected effluent quality.</p>	5 th January 2015
<p>Condition 64 shall be deleted:</p> <p>The Operator shall as soon as reasonably practicable report to the Regulator all</p>	5 th January 2015

non-routine actions that may have adversely affected effluent quality.	
<p>Condition 65 shall be deleted:</p> <p>The Discharge shall not contain more than 60 mg per litre of suspended solids (measured after drying at 105°C).</p>	5 th January 2015
<p>Condition 66 shall be deleted:</p> <p>The pH value of the Discharge shall not be greater than 9 nor less than 6.</p>	5 th January 2015
<p>Condition 67 shall be deleted:</p> <p>As far as is reasonably practicable, the Operator shall prevent the discharge from containing any significant trace of visible oil or grease.</p>	5 th January 2015
<p>Condition 68 shall be deleted:</p> <p>The plant shall be operated and maintained in accordance with good operational practice such that:</p> <ul style="list-style-type: none"> (a) it remains fully operational except at times of unavoidable mechanical or electrical breakdown which shall be attended to, and the Agency informed of the failure, as soon as practicable after the failure; (b) following a failure all equipment shall be returned to normal operation as soon as practicable; (c) tanks shall be desludged at sufficient frequency and in such a manner to prevent excessive carryover of suspended solids. 	5 th January 2015
<p>Condition 69 shall be deleted:</p> <p>Within 6 months of the date of issue of this permit the Operator shall devise and undertake monitoring of the discharge from the Settlement Tank to determine the concentration of substances detailed in Annex 2 (see Appendix 3), in that discharge. Only substances used in the installation need be included in the monitoring. The monitoring programme shall be designed in accordance with the Environment Agency's Dangerous Substances Policy. Two samples of the discharge shall be taken every month for six months and a report detailing the concentrations of dangerous substances in the discharge shall be submitted to the regulator within 6 weeks of completion of the sampling.</p>	5 th January 2015
Condition 73 shall be deleted:	5 th January

<p>Within 6 months of the issue of this permit, a documented preventative maintenance schedule for the impervious surface shall be written and implemented.</p>	<p>2015</p>
<p>Condition 79 shall be deleted:</p> <p>Within 3 months of the date of issue of this permit, the overflow protection device on the re-circulating water tank shall be inspected weekly and maintained according to the preventative maintenance schedule. It shall have an audible and visual alarm to warn of overfilling.</p>	<p>5th January 2015</p>
<p>Condition 80 shall be deleted:</p> <p>The overflow on the re-circulating water tank shall be kept locked at all times. It shall only be opened after the re-circulating pump has been switched off long enough for the sediment to fall to the bottom of the tank.</p>	<p>5th January 2015</p>
<p>Condition 82 shall be deleted:</p> <p>Within 1 year of the date of issue of this permit, a limited intrusive site condition survey to establish adequate baseline data, shall be undertaken in the following areas:</p> <ul style="list-style-type: none"> a) any areas associated with storage of oils and diesel; b) areas where 'made' ground has been identified in the 1988 site report; c) areas where former railway sidings were situated; d) the area where the former pond was situated (this was infilled and used as a refuse tip). <p>This survey shall follow Contaminated Land Report 11 produced by the Environment Agency and Defra and shall be agreed in writing with the Regulator before any work is undertaken.</p>	<p>5th January 2015</p>
<p>Condition 94 shall be deleted:</p> <p>Within 18 months of the date of issue of this permit, the operator shall carry out a waste minimisation audit. The methodology used and an action plan for optimising the use of raw materials shall be submitted to the regulator within 2 months of the completion of the audit.</p>	<p>5th January 2015</p>
<p>Condition 98 shall be deleted:</p> <p>The volume of water abstracted from the mains and used in activities in the installation shall be directly measured when the installation is operating once a</p>	<p>5th January 2015</p>

<p>day for at least a fortnight and there after, once a week with an annual exercise taking daily measurements for at least a fortnight. All measurements shall be recorded and the records held on site.</p>	
<p>Condition 119 shall be deleted:</p> <p>A condition containing noise levels shall be put in here after monitoring is carried out.</p>	<p>5th January 2015</p>
<p>Condition 120 shall be deleted:</p> <p>The testing of alarms and any other noisy activities shall not be undertaken outside the hours 9am to 5pm, Monday to Friday.</p>	<p>5th January 2015</p>
<p>Condition 136 shall be deleted:</p> <p>Calibration and compliance monitoring shall meet the following requirements as appropriate. No results shall exceed the emission concentration limits specified in condition 3, except where either:</p> <ul style="list-style-type: none"> a) data is obtained over at least 5 sampling hours in increments of 15 minutes or less; or b) at least 20 results are obtained where sampling time increments of more than 15 minutes are involved; AND in the case of a) or b) c) no daily mean of all 15-minute mean emission concentrations shall exceed the specified emission concentration limits during normal operation (excluding start-up and shut-down); and d) no 15 minute mean emission concentration shall exceed twice the specified emission concentration limits during normal operation (excluding start-up and shut-down). 	<p>5th January 2015</p>
<p>Condition 137 shall be deleted:</p> <p>Where, in the opinion of the regulator, there is evidence of airborne dust from the process off the site, the operator shall carry out an inspection and assessment, and where necessary undertake ambient monitoring with the aim of identifying those process operations giving rise to the dust. The monitoring may either be by a British Standard method or by a method otherwise agreed in writing with the regulator. In these situations, determination of wind direction may be required. Once the source of the emission is known, corrective action shall be taken without delay.</p>	<p>5th January 2015</p>
<p style="text-align: center;">Insertion of Conditions (The following conditions have been inserted and the permit renumbered.)</p>	

<p>Condition 14 shall be inserted:</p> <p>External surfaces of the process buildings, roofs, guttering, ancillary plant, roadways and open yards and storage areas should be inspected at least annually. Cleaning operations should be carried out if necessary to prevent the accumulation of dusty material using methods which minimise emissions of particulate matter to air.</p>	<p>5th January 2015</p>
<p>Condition 23 shall be inserted:</p> <p>Condition 22 does not require any alteration of the type of treatment used from that specified in the application.</p>	<p>5th January 2015</p>
<p>Condition 31 shall be inserted:</p> <p>The pH value of the Discharge shall not be greater than 9 nor less than 6.</p>	<p>5th January 2015</p>
<p>Condition 40 shall be inserted:</p> <p>Liquid storage tanks that are located externally should be fitted with a cover/ roof within 6 months of the date of issue of this permit to prevent rainwater entering the bund, any rainwater accumulations should be removed as soon as possible in line with Condition 42.</p>	<p>5th January 2015</p>
<p>Condition 56 shall be inserted:</p> <p>There shall be written procedures for investigating incidents, (and near misses) which may affect the environment, including identifying suitable corrective action and following up.</p>	<p>5th January 2015</p>
<p>Condition 74 shall be inserted:</p> <p>The operator shall maintain procedures for the control of spills and of firewater to ensure containment and disposal of liquids in order to prevent or minimise pollution.</p>	<p>5th January 2015</p>
<p>Condition 75 shall be inserted:</p> <p>Operators shall use safe systems for the handling and storage of dust in order to minimise the risk of fire and explosion.</p>	<p>5th January 2015</p>
<p>Condition 76 shall be inserted:</p> <p>Operators shall design delivery routes to minimise accidental damage by</p>	<p>5th January 2015</p>

<p>vehicles to any storage facilities for liquids or dusts. Where a risk of vehicular damage to such storage areas has been identified, crash barriers should be fitted.</p>	
<p>Condition 92 shall be inserted:</p> <p>The following shall be monitored and recorded for all waste which is consigned off-site:</p> <ul style="list-style-type: none"> a. Quantity nature and origin of the waste b. the physical description of the waste c. a description of the composition of the waste d. any relevant hazardous properties (hazard and risk phrases) e. European Waste Catalogue code f. Handling precautions and substances with which in cannot be mixed g. Disposal routes for each waste category 	<p>5th January 2015</p>
<p>Condition 93 shall be inserted:</p> <p>As part of the annual E-PRTR exercise, all information is to be reported by the operator of the facility in accordance with Article 5 of the Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register for each calendar reporting year. This will include all 'Pollutant Release' and 'Waste Transfer' data.</p>	<p>5th January 2015</p>
<p>Condition 101 shall be inserted:</p> <p>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.</p>	<p>5th January 2015</p>

Signed on behalf of Barrow-in-Furness Borough Council

.....
Environmental Health Manager
An authorised officer of the Council

Date: 5th January 2015

EP Permit ref: **PPC/A2/01**
Variation ref: **V01/2015**

SCHEDULE 2

Permit reference PPC/A2/01 as varied by this notice.

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](#).

Dealing with a Variation Notice

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

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

Offences

Failure to comply with a Variation Notice is an offence under regulation 38(2) of the 2010 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £50,000 or imprisonment for a term not exceeding 6 months or both; or (ii) to an unlimited fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in the Magistrates or Crown Court.

Appeals

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

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

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

How to appeal

There are no forms or charges for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide the Secretary of State or

Welsh Minister with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2010 Regulations):

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

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

Where to send your appeal documents

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

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

Or for appeals in Wales:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

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

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

Costs

The operator and local authority will normally be expected to pay their own expenses during an appeal. Where a hearing or inquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6, either the appellant or the authority can apply for costs. Applications for costs are normally heard towards the end of the proceedings and will only be allowed if the party

claiming them can show that the other side behaved unreasonably and put them to unnecessary expense. There is no provision for costs to be awarded where appeals are dealt with by written representatives.

Confidentiality

An operator may request certain information to remain confidential, 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.