



EP Permit ref: **PPC/B/05**
Variation ref: **V04/2012**

Barrow-in-Furness Borough Council

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

VARIATION NOTICE

To BAE Systems Marine Limited, Warwick House, PO Box 87, Farnborough Aerospace Centre, Farnborough, Hampshire, GU14 6YU

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/B/05** granted under Regulation 13(1) of the 2010 Regulations in respect of the operation of the installation at

BAE Systems Maritime - Submarines, Bridge Road, Barrow-in-Furness, Cumbria. LA14 1AF.

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

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Environmental Health Manager
An authorised officer of the Council

Date: 1st November 2012

¹ SI 2010/675

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SCHEDULE 1

VARIATION TO THE CONDITIONS OF THE PERMIT	DATE(S) ON WHICH THE VARIATION IS TO TAKE PLACE
Insertion of Conditions	
Condition 12 inserted and reads: <i>No materials designated Hazard Statement H340, H350, H350i, H360D or H360F shall be introduced without prior notification and permission of the Regulator.</i>	1 st November 2012
Condition 13 inserted and reads: <i>Materials designated Hazard Statement H341 or H351 shall be controlled under contained conditions as far as technically and economically feasible to safeguard public health and the environment. Where the sum of the mass flows of all the discharges of all the compounds causing the designated labelling is greater or equal to 100 g/h, a limit value of 20 mg/Nm³ for the mass sum of the individual compounds will apply. Annual manual extractive testing shall be in accordance with EN 1364.</i>	1 st November 2012
Deletion of Conditions	
Condition 6 shall be deleted	1 st November 2012
Condition 13 shall be deleted	1 st November 2012
Condition 14 shall be deleted	1 st November 2012
Condition 15 shall be deleted	1 st November 2012
Condition 16 shall be deleted	1 st November 2012

Amendment of Conditions

Condition 3 shall be amended to read:

The following emission limits shall apply to releases from contained sources.

Substance	Source	Emission Limits/Provisions	Type of Monitoring	Monitoring Frequency
Particulate Matter	See condition 5	50mg/Nm ³ as 30 minute mean	Manual extractive testing to BS ISO 9096:2003 or BS EN 13284-1 with averages taken over operating periods excluding start-up and shut-down	Annual

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Condition 5 shall be amended:

Emissions of particulate matter shall be tested according to the requirements in condition 3 at the following areas, when they are in operation:

- a. *Devonshire Dock Complex Main Paint Shop/Store (Spraybooth)*
- b. *Devonshire Dock Complex Main Paint Shop/Store (Shot Blast Facility)*
- c. *Devonshire Dock Complex Main Paint Shop/Store (Drying Facility)*
- d. *Devonshire Dock Hall (DDH)*
- e. *Ex Reactor Installation Facility (RIF)*
- f. *Contractor's Self Contained Paint Mixing Facility at D00*
- g. *Acoustic Tiling Facility Dust Extraction System (DDH)*
- h. *Temporary enclosure external to DDH (adjacent to D22) (vent connected to DDH extraction system - see c) above)*
- i. *Boiler Shop (temporary enclosure)*
- j. *NAS Annex (temporary enclosure)*
- k. *X-ray facility (temporary enclosure)*
- l. *NAS (temporary enclosure)*

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<i>m. DDC Wet Dock (temporary enclosure)</i>	
Condition 7 to 12 shall be renumbered to become Condition 6 to 11	1 st November 2012
Condition 17 to 32 shall be renumbered to become Condition 14 to 29	1 st November 2012
<p>Condition 33 shall be renumbered to become Condition 30 and amended to read:</p> <p><i>As there are two SED activities within the installation, the operator shall:</i></p> <ul style="list-style-type: none"> <i>a. As regards designated Hazard Statements H341 or H351, meet the requirements specified in Condition 30 for each activity individually;</i> <i>b. As regards all other substances, either:</i> <ul style="list-style-type: none"> <i>i) meet the requirements for each activity individually;</i> <i>or</i> <i>ii) have total emissions not exceeding those that would have resulted had point (i) been applied.</i> <p><i>NB When applying b) ii) above, the solvent management plan shall be calculated to determine total emissions from all activities concerned. That figure must then be compared with the total emissions from the installation that would have resulted had the requirements of Annex II of SED been met for each activity separately.</i></p>	1 st November 2012
Condition 34 to 38 shall be renumbered to become Condition 31 to 35	1 st November 2012
<p>Condition 39 shall be renumbered to become Condition to 36 and amended to read:</p> <p><i>Application of cleaning solvents shall be dispensed from a contained device when used on wipes.</i></p>	1 st November 2012
Condition 40 to 51 shall be renumbered to become Condition 37 to 48	1 st November 2012
<p>Condition 52 shall be renumbered to become Condition to 49 and amended to read:</p> <p>All emissions from:</p> <ul style="list-style-type: none"> a. Devonshire Dock Complex Main Paint Shop/Store (Spray Booth) b. Devonshire Dock Complex Main Paint Shop/Store (Shot Blast Facility) c. Devonshire Dock Complex Main Paint Shop/Store (Drying Facility) d. Devonshire Dock Hall (DDH) 	1 st November 2012

<ul style="list-style-type: none"> e. Ex Reactor Installation Facility (RIF) f. Contractor's Self Contained Paint Mixing Facility at D00 g. Acoustic Tiling Facility Dust Extraction System (DDH) h. Acoustic Tiling Facility Adhesive Mixing Area (DDH) (vent connected to DDH extraction system - see c) above) i. Temporary enclosure external to DDH (adjacent to D22) (vent connected to DDH extraction system - see c) above) j. Boiler Shop (temporary enclosure) k. NAS Annex (temporary enclosure) l. X-ray facility (temporary enclosure) m. NAS (temporary enclosure) n. Devonshire Dock Complex Wet Dock (temporary enclosure) <p>shall be exhausted to the external air via the stacks specified in condition 50. The extract ventilation systems shall operate continually during all phases of the process operation.</p>	
<p>Condition 53 to 55 shall be renumbered to become Condition 50 to 52</p>	<p>1st November 2012</p>
<p>Condition 56 shall be renumbered to become Condition to 53 and amended to read:</p> <p><i>Before any stacks detailed in condition 50 are upgraded, replaced or repaired; heights and efflux velocities shall be agreed with the regulator.</i></p>	<p>1st November 2012</p>
<p>Condition 57 to 64 shall be renumbered to become Condition 54 to 61</p>	<p>1st November 2012</p>

Signed on behalf of Barrow-in-Furness Borough Council

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

Date: 1st November 2012

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SCHEDULE 2

Permit reference PPC/B/05 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 or 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.