



BARROW-IN-FURNESS BOROUGH COUNCIL

POLLUTION PREVENTION AND CONTROL ACT 1999

ENVIRONMENTAL PERMITTING (ENGLAND & WALES) REGULATIONS 2010 (AS AMENDED)

Permit Ref. No.: PPC/B/12

Date Permit First Issued: 30th March 2006

Current Part B Permit Issued: 20th May 2015

Name and Address of Operator: ASDA Stores Limited
ASDA House
Southbank
Great Wilson Street
Leeds
LS11 5AD

Name and Address of Registered Office: As above.

Name and Address of Permitted Installation: ASDA Petrol Filling Station
Walney Road
Barrow-in-Furness
Cumbria
LA14 5UG

The above named company is permitted to operate an installation for the activity¹ of unloading of petrol into stationary storage tanks at the above service station within the boundary marked in red on the attached plan (PPC/B/12/A1), subject to compliance with the following conditions. The service station has 1 petrol storage tank, Volume 80m³.

Petrol Delivery

1. Vapours displaced by the delivery of petrol into storage tanks shall be returned through a vapour-tight connection line to either the mobile container delivering the petrol or a container on the site.
2. Petrol delivery shall only be carried out using the [Stage I I] petrol vapour recovery system and deliveries shall only be made when the system is fully operational.

¹ listed in [Section 1.2, PART B(c)] in Part 2 of Schedule 1 to the Environmental Permitting Regulations. PG1/14 (13) 24

Motor Vehicle Refuelling

3. Motor vehicle refuelling with petrol shall only take place when the [Stage II] petrol vapour recovery system is fully operational and operating in accordance with the requirements of Condition 4.
4. The petrol vapour capture efficiency of the [Stage II] petrol vapour recovery system shall be equal to or greater than 85% but less than 115% as certified by the manufacturer in accordance with relevant European technical standards or type approval procedures.
5. Where the recovered petrol vapour is transferred to a storage tank, the vapour/petrol ratio shall be equal to or greater than 0.95 but less than or equal to 1.05.
6. Where an automatic monitoring system has been installed, the petrol vapour capture efficiency shall be tested and the results recorded at least once every three years by checking that the vapour/petrol ratio under simulated petrol flow conditions, or by any other appropriate methodology. Any such automatic monitoring system shall automatically detect faults in the proper functioning of the [Stage II] petrol vapour recovery system and in the automatic monitoring system itself, indicate faults to the operator and automatically stop the flow of petrol from any faulty dispenser if the fault is not rectified within seven days.
7. Where automatic monitoring systems have not been installed the in-service petrol vapour capture efficiency of the [Stage II] petrol vapour recovery systems shall be tested the results recorded at least once a year by checking that the vapour/petrol ratio under simulated petrol flow conditions, or by any other appropriate methodology.
8. Where automatic monitoring systems have not been installed a *weekly functionality check* shall be undertaken to verify the operation of the vapour recovery system.
9. A sign, sticker or other notification shall be displayed on, or in the vicinity of, the petrol dispenser, informing consumers that a [Stage II] petrol vapour recovery system is in use.

Incident Reporting

10. In the event of any incident at the site which could have an impact beyond the site boundary, the operator shall notify the Council by telephone without delay on 01229 876543, asking for the Environmental Permitting Officer.

Management

11. A copy of this permit shall be kept at the permitted installation. All staff who should be aware of its content shall be told where it is kept.
12. All relevant staff shall receive the necessary training and instruction to enable them to comply with the conditions of this permit.
13. The operator shall notify the Council of any changes to the persons nominated in the application as the primary point of contact, and deputy.

14. Maintenance and testing of vapour recovery systems shall be recorded.

15. All records made in compliance with this permit shall be kept in a written or computer log book or by using some other systematic method, and shall be clear and legible. If any entry is amended, a clear statement of the reason for doing so shall be included. Unless otherwise stated in this permit, all records required to be taken shall be kept available for inspection for at least 4 years from the date of its being made. A copy of the manufacturer's instructions referred to in this permit shall be available for inspection on request.

Best Available Techniques

16. 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.

Process Changes

17. 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.

Right to appeal

You have the right of appeal against this permit within 6 months of the date of the decision. The Council can tell you how to appeal [or supply details with the permit]. You will normally be expected to pay your own expenses during an appeal.

You will be liable for prosecution if you fail to comply with the conditions of this permit. If found guilty, the maximum penalty for each offence if prosecuted in a Magistrates Court is £50,000 and/or 6 months imprisonment. In a Crown Court it is an unlimited fine and/or 5 years imprisonment.

Our enforcement of your permit will be in accordance with the Regulators' Compliance Code².

Signed:..... Date 20th May 2015

Environmental Health Manager
An authorised officer of the Council

² Business, Enterprise and Regulatory Reform (BERR): Code of Practice on Guidance on Regulation, July 2008.

EXPLANATORY NOTES

These notes do not form part of the Permit

This Permit is issued under Regulation 13 of the Environmental Permitting (England & Wales) Regulations 2010 (2010 Regulations) to operate an installation carrying out one or more of the activities listed in Part 2, [Part B(c)] of Schedule 1 of those Regulations, to the extent authorised by the Permit.

The Permit includes conditions that have to be complied with. It should be noted that aspects of the operation of the installation which are not regulated by those conditions, are subject to the Operator using the best available techniques (BAT) for preventing or, where that is not practical, reducing emissions from the installation.

a) ‘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.

b) ‘techniques’ shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned,

c) ‘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,

d) ‘best’ shall mean most effective in achieving a high general level of protection of the environment as a whole.

- 1) Responsibility under Workplace Health and Safety Legislation - **This permit is given in relation to the requirements of Environmental Permitting Regulations 2010 and subordinate regulations. It must not be taken to replace any responsibilities you may have under workplace health and safety legislation.**
- 2) Other responsibilities - **This permit, in that it regulates only air pollution matters, does not absolve you of the responsibility of any other statutory requirement, such as any need to obtain planning permission, hazardous substances consent or Building Regulations approval from the Council. Discharge consents from the local sewerage undertaker or a waste disposal licence from the Environment Agency may still be required.**
- 3) Enforcement and Offences - **It is an offence to operate a prescribed activity without a current permit. The operator will be liable to enforcement action where;**
 - a) a new activity (as defined within the Environmental Permitting (England & Wales) Regulations 2010) is carried on without a proper permit, and
 - b) any of the conditions of the permit are breached.
- 4) Subsistence Charge - **An annual fee (subsistence charge) due on 1st April each year (currently chargeable per activity per annum but subject to change by statutory instrument) is payable to Barrow-in-Furness Borough Council.**
- 5) Confidentiality - **The Permit requires the Operator to provide information to Barrow-in-Furness Borough Council. The Council will place the information onto the public registers in accordance with the requirements of the 2010 Regulations. If the Operator considers that any information provided is commercially confidential, it may apply to the Council to have such information withheld from the register as provided in the 2010**

Regulations. To enable Barrow Borough Council to determine whether the information is commercially confidential, the Operator should clearly identify the information in question and should specify clear and precise reasons.

- 6) Variations to the permit - **This Permit may be varied in the future. If at any time the activity or any aspect of the activity regulated by the following conditions changes such that the conditions no longer reflect the activity and require alteration, the Regulator should be contacted and a variation application form will be made available.**
- 7) 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 of the 2010 Regulations.**
- 8) Transfer of the permit or part of the permit - **Before the Permit can be wholly or partially transferred to another person, a joint application to transfer the Permit has to be made by both the existing and proposed holders, in accordance with Regulation 21 of the 2010 Regulations. A transfer will be allowed unless the Authority considers that the proposed holder will not be the person who will have control over the operation of the installation or will not ensure compliance with the conditions of the transferred Permit.**
- 9) Appeal against permit conditions - **Anyone who is aggrieved by the conditions attached to a Permit can appeal to the Secretary of State for the Environment, Food and Rural Affairs. Appeals must be made in accordance with the requirements of Regulation 31 and Schedule 6 of the 2010 Regulations.**

Appeals should be sent to the Secretary of State for the Environment, Food and Rural Affairs. The address is as follows:-

**The Planning Inspectorate
Environmental Appeals Administration
Room 4/12 - Eagle Wing
Temple Quay House
2 the Square
Temple Quay
Bristol
BS1 6PN**

Please Note - an appeal brought under Regulation 31 paragraph (1) (b), (d) and Schedule 6 in relation to the conditions in a permit 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 regulator either to vary any of these other conditions or to add new conditions.

- 10) Contact Details - **If you are required to contact the Environmental Protection Section of the Environmental Health Department at Barrow-in-Furness Borough Council please telephone 01229 876366 or 876372 during office hours and ask for Geoff Dowker (Senior Environmental Protection Officer) or Graham Barker (Principle Environmental Protection & Licencing Officer).**

End of Explanatory Note