



EP Permit ref: **PPC/A2/01**
Variation ref: **V01/2017**

Barrow-in-Furness Borough Council

THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2016, 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 2016¹ ("the 2016 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: 9th February 2017

¹ SI 2016/1154

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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 93 shall be deleted:</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 align="center">9th February 2017</p>
<p align="center">Amendment of Conditions (The following conditions have been Amended and the permit renumbered.)</p>	
<p>Condition 52 shall be amended to read:</p> <p>The competent person who shall liaise with the regulator and the public with regard to complaints is James Collinge. In his absence, Nicholas Collinge or Mark Collinge shall take over this role.</p>	<p align="center">9th February 2017</p>
<p>Condition 53 shall be amended to read:</p> <p>Within 6 months of issue of this permit, an updated formal structure shall be provided to clarify the extent of each level of employee's responsibility with regard to the control of the process and its environmental impacts. This structure shall be prominently displayed within the process building at all times. Alternatively, there must be a prominent notice referring all relevant employees to where the information can be found.</p>	<p align="center">9th February 2017</p>
<p>Condition 99 shall be amended to read:</p> <p>All reports and notifications required by this Permit or by the Environmental</p>	<p align="center">9th February 2017</p>

Permitting Regulations 2016 shall be sent to the regulator at the address in the introductory note to this permit.	
Condition 94 shall be renumbered to 93	9 th February 2017
Condition 95 shall be renumbered to 94	
Condition 96 shall be renumbered to 95	
Condition 97 shall be renumbered to 96	
Condition 98 shall be renumbered to 97	
Condition 99 shall be renumbered to 98	
Condition 100 shall be renumbered to 99	
Condition 101 shall be renumbered to 100	
Condition 102 shall be renumbered to 101	
Condition 103 shall be renumbered to 102	
Condition 104 shall be renumbered to 103	
Condition 105 shall be renumbered to 104	
Condition 106 shall be renumbered to 105	

Signed on behalf of Barrow-in-Furness Borough Council

A Chapman

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

Date: 9th February 2017

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

Variation ref: **V02/2017**

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. <http://www.defra.gov.uk/environment/quality/industrial/las-regulations/guidance/>

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 2016 Regulations. A person guilty of an offence under this regulation could be liable (i) on summary conviction to a fine or imprisonment for a term not exceeding 12 months or both; (ii) on conviction on indictment to a 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 2016 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 2016 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 2016 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