



EP Permit ref: **PPC/B/10**  
Variation ref: **V01/2019**

## Barrow-in-Furness Borough Council

### THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2016 (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 2016<sup>1</sup> ("the 2016 Regulations") hereby gives you notice as follows:

The Council has decided to vary the conditions of permit reference **PPC/B/10** granted under Regulation 13(1) of the 2016 Regulations in respect of the operation of the installation at

**Thornccliffe Crematorium, Devonshire Road, Barrow-in-Furness, Cumbria. LA14 5PD**

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

Public Protection Manager  
An authorised officer of the Council

Date: 20<sup>th</sup> August 2019

<sup>1</sup> SI 2016/1154

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**SCHEDULE 1**

VARIATION TO THE CONDITIONS OF THE PERMIT	DATE(S) ON WHICH THE VARIATI ON IS TO TAKE PLACE
<b>Insertion of Conditions</b>	
<p><b>Condition 14 shall be included and states:</b></p> <p>The operator shall hold on site a list of key arrestment technologies and shall have a written procedure for dealing with failures of such technologies, in order to minimise any adverse effects</p>	20 <sup>th</sup> August 2019
<p><b>Condition 52 shall be included and states:</b></p> <p>Mercury emissions from the process shall be monitored annually to demonstrate compliance with the emission limit specified in Condition 2, Table 1. Test method BS EN 13211 shall be used unless agreed in writing with the regulator</p>	20 <sup>th</sup> August 2019
<b>Deletion of Conditions</b>	
<p><b>Condition 3 Shall be deleted which read:</b></p> <p>From the 1<sup>st</sup> July 2014, the concentration limits (for substances), combustion provisions (for parameters) and monitoring requirements outlined in Table Three of Condition 4 shall apply to both cremators</p>	20 <sup>th</sup> August 2019
<p><b>Condition 4 Shall be deleted which read:</b></p> <p>All pollutants shall be expressed in reference conditions: 273K, 101.3kPa and 11% oxygen v/v, dry gas unless otherwise stated.</p>	20 <sup>th</sup> August 2019
<p><b>Condition 18 Shall be deleted which read:</b></p>	20 <sup>th</sup> August

<p>Until 30<sup>th</sup> June 2014, for temperature and oxygen, the operator shall report the following continuous monitoring values to the regulator every 6 months</p> <ul style="list-style-type: none"> <li>▪ Secondary chamber entrance temperature, 4-weekly/monthly maximum and minimum</li> <li>▪ Secondary chamber exit temperature, 4-weekly/monthly maximum and minimum</li> <li>▪ Oxygen concentration, 4-weekly/monthly minimum (of 5 minute averages)</li> </ul>	2019
<p><b>Condition 26 Shall be deleted which read:</b></p> <p>The operator shall provide a list of key arrestment plant and shall have a written procedure for dealing with its failure, in order to minimise any adverse effects.</p>	20 <sup>th</sup> August 2019
<p><b>Amendment of Conditions</b></p>	
<p><b>Condition 1 shall be amended to read:</b></p> <p>The emission limits and other provisions outlined in Tables One and Two of Condition 2 shall apply to both cremators</p>	20 <sup>th</sup> August 2019
<p><b>Condition 2 (Including tables 1 &amp; 2) shall be amended to read:</b></p> <p>All pollutants shall be expressed in reference conditions: 273.1K, 101.3kPa and 11% oxygen v/v, dry gas unless otherwise stated.</p>	20 <sup>th</sup> August 2019

**Table 1 - Abated cremators - emission limits, monitoring and other provisions**

Row	Substance	Mass emission limits per cremator	Concentration limits	Type of monitoring	Monitoring frequency
1	Mercury	n/a	50 micrograms/m <sup>3</sup>	Periodic monitoring (Note 1)	Annual
2	Hydrogen chloride (excluding particulate matter)	n/a	30 mg/m <sup>3</sup> hourly average	Periodic monitoring	Annual
3	Total particulate matter	n/a	20 mg/m <sup>3</sup> hourly average	Filter leak monitor <ul style="list-style-type: none"> <li>• Provide visual alarms and record levels and alarms</li> <li>• Set reference levels on commissioning (i.e. set levels at which alarms will activate)</li> </ul> Plus Instrument health check - i.e. service according to manufacturer's instructions Plus Periodic monitoring <ul style="list-style-type: none"> <li>• Set reference levels for continuous emission monitor (CEM) (i.e. set levels at which alarms will activate)</li> </ul>	Continuous  Plus Annual  Plus Every 3 years
4	Carbon monoxide	n/a	100 mg/m <sup>3</sup> reported as 2 x 30-minute averages	Qualitative monitoring <ul style="list-style-type: none"> <li>• Record data at 15 second intervals or less</li> <li>• Provide visual alarms and record alarm events</li> </ul> Plus Periodic test: <ul style="list-style-type: none"> <li>• Validation of continuous emissions monitor (CEM) output through comparison with periodic test results</li> </ul>	Continuous  Plus Annual
5	Organic compounds (excluding particulate matter) expressed as carbon	n/a	20 mg/m <sup>3</sup> averaged over an hour of cremation.	Periodic monitoring	Annual

**Note 1 – the Environment Agency monitoring guidance, M2,** advises that "the choice of a suitable averaging period is strongly influenced by the expected short-term variability in emission levels and whether peaks are important". Also "the averaging time for manual techniques is often constrained by the need for a sampling run of appropriate duration ... because manual techniques have an associated analytical end-method stage (e.g. weighing of particulate samples) for which a sufficient mass of pollutant must be sampled to achieve an adequate limit of detection (LOD)...". For these reasons, regulators are advised to ensure that those undertaking monitoring liaise with the relevant analytical laboratory to determine the detection limit of the analytical method in order to obtain an estimate of the expected concentration of the monitored substance in the stack gas and calculate the sampling time required to ensure that the LOD of the sampling method is met. In any case it is not expected that the duration of sampling runs will be less than 30 minutes or longer than 8 hours.

**Table 2- Combustion Provisions**

Row	Parameter	Combustion Provision	Type of monitoring	Monitoring frequency
1	Temperature	<ul style="list-style-type: none"> <li>Minimum of 800°C (1073K) in the secondary combustion chamber</li> <li>Minimum of 650°C (1123K) in the secondary combustion chamber when operating under emergency conditions without abatement</li> <li>- measuring point should be at the last measuring thermocouple</li> </ul>	<ul style="list-style-type: none"> <li>Measure at the exit of the secondary combustion zone; measuring point should be at the last measuring thermocouple</li> <li>Automatically record temperatures;</li> <li>Visual alarm when temperature falls below 1073K (800°C);</li> <li>Record alarm activations</li> <li>Interlock to prevent cremator loading below 800°C.</li> </ul>	<ul style="list-style-type: none"> <li>Continuous</li> </ul>
2	Oxygen	<ul style="list-style-type: none"> <li>At the end of the secondary combustion chamber:</li> <li>measured wet or dry, minimum average 6% and minimum 3%</li> </ul>	<ul style="list-style-type: none"> <li>Record of concentration at outlet of secondary combustion zone;</li> <li>Visual alarm and record alarm activations;</li> <li>During discontinuous tests, continuous reference oxygen measurements should be at the same sampling location as the parameters tested.</li> </ul>	Continuous

Condition 5 shall be amended as Condition 3:

20<sup>th</sup> August 2019

Condition 6 shall be amended as Condition 4:

20<sup>th</sup> August 2019

Condition 7 shall be amended as Condition 5:

20<sup>th</sup> August 2019

Condition 8 shall be amended as Condition 6:

20<sup>th</sup> August 2019

Condition 9 shall be amended as Condition 7:

20<sup>th</sup> August 2019

Condition 10 shall be amended as Condition 8:

20<sup>th</sup> August 2019

Condition 11 shall be amended as Condition 9:

20<sup>th</sup> August 2019

<b>Condition 12 shall be amended as Condition 10:</b>	20 <sup>th</sup> August 2019
<b>Condition 13 shall be amended as Condition 11:</b>	20 <sup>th</sup> August 2019
<b>Condition 14 shall be amended as Condition 12:</b>	20 <sup>th</sup> August 2019
<b>Condition 13 shall be amended to read:</b>  The results of the emissions monitoring shall be forwarded to the regulator within 8 weeks of the completion of the sampling	20 <sup>th</sup> August 2019
<b>Condition 15 shall be amended as Condition 14:</b>	20 <sup>th</sup> August 2019
<b>Condition 16 shall be amended as Condition 15:</b>	20 <sup>th</sup> August 2019
<b>Condition 17 shall be amended as Condition 16:</b>	20 <sup>th</sup> August 2019
<b>Condition 17 shall be amended to read:</b>  For temperature and oxygen, the operator shall report the following continuous monitoring values to the regulator every 6 months  <ul style="list-style-type: none"> <li>▪ Secondary chamber entrance temperature, 4-weekly/monthly maximum and minimum (of 5 minute averages)</li> <li>▪ Secondary chamber exit temperature, 4-weekly/monthly maximum and minimum (of 5 minute averages)</li> <li>▪ Oxygen concentration, 4-weekly/monthly minimum (of 5 minute averages)</li> </ul>	20 <sup>th</sup> August 2019
<b>Condition 21 shall be amended as Condition 19:</b>	20 <sup>th</sup> August 2019
<b>Condition 19 shall be amended to read:</b>  Emissions from cremations shall be free from visible smoke and shall not exceed the equivalent of Ringelmann Shade 1 as described in British Standard BS 2742:1969.	20 <sup>th</sup> August 2019
<b>Condition 22 shall be amended as Condition 20:</b>	20 <sup>th</sup> August 2019
<b>Condition 23 shall be amended as Condition 21:</b>	20 <sup>th</sup> August 2019
<b>Condition 24 shall be amended as Condition 22:</b>	20 <sup>th</sup> August 2019
<b>Condition 25 shall be amended as Condition 23:</b>	20 <sup>th</sup> August 2019
<b>Condition 27 shall be amended as Condition 24:</b>	20 <sup>th</sup> August 2019
<b>Condition 24 shall be amended to read:</b>  In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions the operator shall:	20 <sup>th</sup> August 2019

<ul style="list-style-type: none"> <li>▪ Investigate and undertake remedial action immediately</li> <li>▪ Adjust the process or activity to minimise those emissions; and</li> <li>▪ promptly record as much detail as possible regarding the cause and extent of the problem, and the action taken to rectify the situation;</li> <li>▪ re-test to demonstrate compliance as soon as possible; notify the regulator.</li> </ul>	
<b>Condition 28 shall be amended as Condition 25:</b>	20 <sup>th</sup> August 2019
<b>Condition 29 shall be amended as Condition 26:</b>	20 <sup>th</sup> August 2019
<p><b>Condition 24 shall be amended to read:</b></p> <p>The operator shall keep records of quarterly gas consumption for inspection by the regulator. Consumption shall be converted into CO<sub>2</sub> equivalent emissions using the following conversion equation:</p> <p>Gas Usage (kWh) x conversion factor – kgCO<sub>2</sub>e</p> <p>The latest conversion factor can be found at the DEFRA website:</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69554/pb13773-ghg-conversion-factors-2012.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69554/pb13773-ghg-conversion-factors-2012.pdf</a></p> <p>The records shall be made available for inspection by the regulator.</p>	20 <sup>th</sup> August 2019
<b>Condition 30 shall be amended as Condition 27:</b>	20 <sup>th</sup> August 2019
<b>Condition 31 shall be amended as Condition 28:</b>	20 <sup>th</sup> August 2019
<b>Condition 32 shall be amended as Condition 29:</b>	20 <sup>th</sup> August 2019
<b>Condition 33 shall be amended as Condition 30:</b>	20 <sup>th</sup> August 2019
<b>Condition 34 shall be amended as Condition 31:</b>	20 <sup>th</sup> August 2019
<b>Condition 35 shall be amended as Condition 32:</b>	20 <sup>th</sup> August 2019
<b>Condition 36 shall be amended as Condition 33:</b>	20 <sup>th</sup> August 2019
<b>Condition 37 shall be amended as Condition 34:</b>	20 <sup>th</sup> August 2019
<b>Condition 38 shall be amended as Condition 35:</b>	20 <sup>th</sup> August 2019
<b>Condition 39 shall be amended as Condition 36:</b>	20 <sup>th</sup> August 2019
<b>Condition 40 shall be amended as Condition 37:</b>	20 <sup>th</sup> August 2019
<b>Condition 41 shall be amended as Condition 38:</b>	20 <sup>th</sup> August 2019
<b>Condition 42 shall be amended as Condition 39:</b>	20 <sup>th</sup> August 2019
<b>Condition 43 shall be amended as Condition 40:</b>	20 <sup>th</sup> August 2019
<b>Condition 44 shall be amended as Condition 41:</b>	20 <sup>th</sup> August

	2019
<p><b>Condition 41 shall be amended to read:</b></p> <p>All emissions from the cremators shall be discharged at 12.144 metres above ground level, through a chimney maintained in perpetuity marked A on PPC/B/10 Plan 1.</p>	20 <sup>th</sup> August 2019
<b>Condition 45 shall be amended as Condition 42:</b>	20 <sup>th</sup> August 2019
<b>Condition 46 shall be amended as Condition 43:</b>	20 <sup>th</sup> August 2019
<b>Condition 47 shall be amended as Condition 44:</b>	20 <sup>th</sup> August 2019
<b>Condition 48 shall be amended as Condition 45:</b>	20 <sup>th</sup> August 2019
<b>Condition 49 shall be amended as Condition 46:</b>	20 <sup>th</sup> August 2019
<p><b>Condition 46 shall be amended to read:</b></p> <p>The operator shall keep an audited list of essential items that relate to Condition 45.</p>	20 <sup>th</sup> August 2019
<b>Condition 50 shall be amended as Condition 47:</b>	20 <sup>th</sup> August 2019
<b>Condition 51 shall be amended as Condition 48:</b>	20 <sup>th</sup> August 2019
<b>Condition 52 shall be amended as Condition 49:</b>	20 <sup>th</sup> August 2019
<b>Condition 53 shall be amended as Condition 50:</b>	20 <sup>th</sup> August 2019
<b>Condition 54 shall be amended as Condition 51:</b>	20 <sup>th</sup> August 2019
<b>Condition 55 shall be amended as Condition 53:</b>	20 <sup>th</sup> August 2019
<p><b>Condition 53 shall be amended to read:</b></p> <p>The operator shall send the regulator, by no later than 1 June 2020 and 1 April in each year thereafter, a certificate from the CAMEO organisation* or appropriate evidence from a comparable audited burden sharing arrangement or scheme which specifies:-</p> <ol style="list-style-type: none"> <li>a. the total number of cremations in the past 12 months;</li> <li>b. the number of cremations undertaken in cremators fitted with operational mercury abatement equipment in the previous 12 months; or</li> <li>c. the number of cremations undertaken in the previous 12 months and the proportion of those subject to burden sharing arrangements under which money is paid for the benefit of abated crematoria; or</li> <li>d. in cases where mercury abatement is fitted but fewer than 50% of cremations at the installation were undertaken in cremators fitted</li> </ol>	20 <sup>th</sup> August 2019



with it in the previous 12 months, the relevant information in both b) and c).	
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\* Crematoria Abatement of Mercury Emissions Organisation

Signed on behalf of Barrow-in-Furness Borough Council



.....  
Public Protection Manager  
An authorised officer of the Council

Date: 20<sup>th</sup> August 2019

EP Permit ref: **PPC/B/10**  
Variation ref: **V01/2019**

## **SCHEDULE 2**

Permit reference PPC/B/10 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/).  
<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

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.