

EP Permit ref **WYC/IPPC/5/2/04**

Variation ref **WYC/IPPC/5/2/04/V1**

**Wychavon District Council**

**Pollution Prevention and Control Act 1999**

**Environmental Permitting (England and Wales) Regulations 2016 (As Amended) Regulation  
20**

**Variation Notice**

To Wienerberger Ltd, Hartlebury Works, Whitlence Lane, Hartlebury, Kidderminster, Worcestershire, DY10 4HB, Wychavon District Council ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016 ("the 2016 Regulations") hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference WYC/IPPC/5/2/04 granted under regulation 13(1) of the 2016 Regulations in respect of the operation of the installation at Wienerberger Ltd, Hartlebury Works, Whitlence Lane, Hartlebury, Kidderminster, Worcestershire, DY10 4HB

The variation of the conditions of the permit and the date 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 Wychavon District Council



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Dated: 25/09/2020

Toni Ainscough, Environmental Health Officer

An authorised officer of the Council

EP Permit ref **WYC/IPPC/5/2/04**

Variation ref **WYC/IPPC/5/2/04/V1**

**Schedule 1**

<b>Variation to the conditions of the permit</b>	<b>Date(s) on which the variation is to take place.</b>
CONDITIONS TO BE DELETED  1 to 8.4	25/09/2020
CONDITIONS TO BE ADDED  1 to 6.2	25/09/2020

Signed on behalf of Wychavon District Council



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Dated: 25/09/2020

Toni Ainscough, Environmental Health Officer

An authorised officer of the Council

EP Permit ref **WYC/IPPC/5/2/04**

Variation ref **WYC/IPPC/5/2/04/V1**

**Schedule 2**

**Permit reference WD/E/04/01077/AP as varied by this notice.**

Wychavon District Council

Pollution Prevention and Control Act 1999

Environmental Permitting (England and Wales) Regulations 2016 (as amended)

**Permit to manufacture bricks.**

Permit Reference: **WD/E/04/01077/AP**

Instillation Address: Wienerberger Ltd  
Hartlebury Works  
Whitleng Lane  
Hartlebury  
Kidderminster  
Worcestershire  
DY10 4JB

Operators registered address: Wienerberger Ltd  
Wienerberger House  
Brooks Drive  
Cheadle Royal Business Park  
Cheadle  
Cheshire  
SK8 3SA

Company's registration number: 5299520

Regulators address: Wychavon District Council  
Civic Centre  
Queen Elizabeth Drive  
Persnore  
Worcestershire  
WR10 1PT

Correspondence address: Worcestershire Regulatory Services  
Wyre Forest House  
Finepoint Way  
Kidderminster  
Worcestershire  
DY11 WFH

Permit issued: 25/09/2020

Wychavon District Council hereby permit Wienerberger Ltd in accordance with the following conditions numbered 1 to 6.2 inclusive and the attached figures 1 to 4 carry out the manufacture of bricks as prescribed in Section 3.6 A2(a) of Schedule 1 of the Environmental Permitting (England and-Wales) Regulations 2016 at the instillation address stated and as outlined in red on the attached figure 1.

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**Introductory note (does not form part of the permit)**

Any reference in this permit to the 'regulator' shall mean Wychavon District Council. The following permit is issued under Regulation 21 of the Environmental Permitting (England and Wales) Regulations 2016, subsequently referred to as the EP Regulations. This permit allows the named operator to operate an installation carrying out one or more of the activities listed in part 2 of schedule 1 of the EP Regulations, to the extent authorised by the Permit.

The Permit includes conditions that must be complied with. Failure to comply with the conditions within the Permit means Wychavon District Council may take enforcement action against the Operator. It should be noted that aspects of the operation of the installation that are not regulated by those conditions, are subject to the conditions implied in EP Regulation 106(1) and Regulation 64(2). This says that the operator shall use the Best Available Techniques (BAT) for preventing or, where that is not practical, reducing emissions from the installation. Techniques include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned. For an interpretation of 'best available techniques' see Annex VIII of '*General Guidance Manual on Policy and Procedures for A2 and B Installations Part B of Manual*'

BAT is defined in Article 3(10) of the Industrial Emissions Directive 2010/75/EC. As follows:

"Best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole.

"available techniques" means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible to the operator.

"best" means most effective in achieving a high general level of protection of the environment as a whole.

"techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

Your attention is drawn to the following publications that are relevant to your process:

- i. Environmental Permitting (England and Wales) Regulations 2016 (as amended).
- ii. The Pollution Prevention and Control Act 1999
- iii. Council Directive 2010/75/EU of the European Parliament and of the Council on the 24 November 2010 on industrial emissions (integrated pollution prevention and control)
- iv. Sector Guidance Note IPPC SG7'
- v. BRef Note: Ceramic Manufacturing Industry
- vi. General Guidance Manual on Policy and Procedures for A2 and B Installations

Effective control of emissions requires the maintenance and proper use of equipment, and the proper supervision of the process operations. Adequate preventative maintenance should be undertaken on all plant and the equipment concerned with the control of emissions. Essential spares and consumables should be held or should be available at short notice from guaranteed local suppliers.

Staff at all levels should receive the necessary formal training and instructions in their duties relating to control of the process and emissions. Particular emphasis should be given to training for start-up, shut down and abnormal conditions. Good housekeeping should be practised at all times.

This document has been drawn up with reference to the Secretary of State's Guidance 'General Guidance Manual on Policy and Procedures for A2 and B Installations'.

This Permit is issued on the basis that the information provided by the applicant in support of the application for Permitting was neither false nor misleading. Any change affecting the accuracy of such information shall be promptly notified, in writing, to Wychavon District Council at the contact address on the front page of this document.

This Permit must not be taken to replace any responsibilities the operator has under workplace health and safety legislation. Neither does it detract from any statutory requirement such as the need to obtain Planning Permission, Building Regulations approval, hazardous substances consent, or discharge consent from the water resources regulator.

In the context of this permit, 'activity' comprises the whole activity including the treating, handling and storage of any materials used and products and waste produced by the activity.

Wychavon District Council is statutorily obliged to include conditions in any permit they issue which are designed to ensure the activity is operated using the 'Best Available Techniques'. EP regulations principles are that 'Installations should be operated in such a way that:

- (a) all appropriate preventative measures are taken against pollution, in particular through the application of best available techniques (BAT);
- (b) no significant pollution is caused'.
- (c) The best available techniques shall be used to prevent or where that is not practical, reduce the emissions from the installation in relation to that aspect of the operations of the installation which is not regulated by any other condition of this permit.

It should be noted that Section 6 (1) and (2) of Schedule 7A to the Environmental Permitting (England and Wales) (Amendment) Regulations 2016 specifies that the Regulator must ensure that it is informed of developments in best available techniques and the publication of any new or updated BAT conclusions. This requirement is as defined in Articles 3(10), 3(11), 3(12) and 3(14) of the Industrial Emissions Directive 2010/75/EU.

In considering BAT, Wychavon District Council would expect the operator to have regard to all relevant EPR sectoral or other technical guidance, including BAT Conclusions and BAT Reference Documents published by the European Commission and technical guidance published by Natural Resources Wales, the Environment Agency and other relevant regulatory authorities.

Brief description of the installation regulated by this permit

Section 3.6 As(a) Manufacturing of ceramic products (including roofing tiles, bricks, refractory bricks, tiles, stoneware and porcelain) by firing in kilns where:

The kiln production capacity is more than 75 tonnes per day; or

The kiln capacity is more than 4 m<sup>3</sup> and the setting density is more than 300 kgs/m<sup>3</sup>

The site manufactures bricks involving:

- The stockpiling and storage of brickmaking clay.
- The materials are fed by front loader into one of the five box feeders and transported by conveyor to the soft moulded plant H1 or the extrusion plant H2.
- The size reduction of these minerals by a wet pan mill and rollers.
- The formation of bricks in H1 by forcing the material into formers and processed out by pneumatic punching unit.
- The formation of bricks in H2 by an extrusion process.
- The drying of formed bricks in 18 drying chambers in H1 and 1 tunnel drier in H2.
- The firing of bricks in four intermittent kilns each of which has a net rated thermal capacity of less than 2MW fired by natural gas in H1.
- The firing of bricks in a continuous kiln which has a net rated thermal capacity of greater than 2 MW, fired by natural gas.
- Bionatur Gas Filtration System which will have a mobile filter model BR350IN, the gas is purified using BIONATUR-BGA adsorbent, the adsorbent consists of hard cylindrical pellets with high porosity with cleanses the pollutants by chemical absorption process, the polluting gases react with the active principle and as a result of the reaction inert inorganic solid is obtained.
- The sorting, dehacking and packaging of fired bricks before storage on the stockyard.



## PERMIT CONDITIONS

### 1. General

1.1 The 'operator' is permitted to carry out the activities specified in Schedule 1, Section 3.6 A2(a) of the Environmental Permitting (England and Wales) Regulations 2016. The permitted activities and associated activities are detailed in Table 1 of this permit:

Table 1 Permitted Installation		
Activity under Schedule 1 of the Regulations / Associated Activity .	Description of specified activity	Limit of specified activity
Section 3.6 A2(a)	Manufacturing of ceramic products (including roofing tiles, bricks, refractory bricks, tiles, stoneware and porcelain) by firing in kilns where:  The kiln production capacity is more than 75 tonnes per day; or The kiln capacity is more than 4 m <sup>3</sup> and the setting density is more than 300 kgs/m <sup>3</sup>	Within installation boundary
Stockpiling of clay, shales and red burning clay	Storage of minerals	Within clay stockpile area
Preparation of clay	Reduction of particle size in the wet pan, medium and high speed rollers	Within clay preparation areas in H1 and H2
Forming Process	Formation of bricks by forcing material into formers	Within the factory H1
Forming Process	Forming of bricks by the extrusion process	Within the factory H2
Drying Process	The bricks are dried in 18 chamber dryers	Within the factory H1
Drying process	The bricks are dried in 1 tunnel drier	Within the factory H2
Setting process	The setting machine forms the packs of dried bricks ready to go on the kiln cars	Within the factory H1 and H2
Firing Process	The set bricks are fired in one of four intermittent kilns fired by natural gas	Within the factory H1
Firing process	The set bricks are fired in a continuous tunnel kiln fired by natural gas	Within the factory H2
De-hacking process	The fired bricks are unloaded from the kilns using a forklift	Within the factory H1
De-hacking process	The fired bricks are unloaded from the kiln cars using an automatic dehacking machine	Within the factory H2
Stockyard	Bricks are stored in the stockyard	Within the stockyard area

1.2 The activities authorised under condition 1.1 above shall not extend beyond the site, being the land edged red on the site plan WD/E/04/01077/AP figure 1 of this permit.

## 2. Emission Limits

### 2.1 Emissions into air

2.1.1 This part of the permit shall not apply to releases of odour, noise or vibration.

Emissions to air from the emission points specified in Table 2 shall only arise from the sources specified in that table.

Table 2 Emission points into the air and water		
Emission point reference	Source	Location of emission point
A1a	Kiln exhaust H2	See WD/E/04/01077/AP figure 3
D1	Dryer exhausts H2	See WD/E/04/01077/AP figure 3
D2	Dryer exhausts H2	See WD/E/04/01077/AP figure 3
LEV 1	Clay preparation bag filter(H1)	See WD/E/04/01077/AP figure 3
LEV 3	Dehacking Plant	See WD/E/04/01077/AP figure 3
LEV 2	Clay Prep	See WD/E/04/01077/AP figure 3
LEV 4	Sander Clay Prep	See WD/E/04/01077/AP figure 3
A2	Chimney from 4 intermittent kilns	See WD/E/04/01077/AP figure 3
D3	Dryer exhausts H1	See WD/E/04/01077/AP figure 3
W1	Foul drainage to sewer	See WD/E/04/01077/AP figure 4
W2	Surface water from roof and surface run off	See WD/E/04/01077/AP figure 4
W3	Surface water from stockpiles	See WD/E/04/01077/AP figure 4
W4	Foul drainage to septic tank	See WD/E/04/01077/AP figure 4

2.1.2 The limits for emissions into air for the parameters and emission points set out in Table 3 shall not be exceeded.

Table 3 Emission limits to air				
Determined	Source	Limits	Monitoring	Monitoring Frequency
Particulate Matter	Silo inlet and outlets	No visible emissions	Operator / Driver Record start and finish time	Observations every delivery
Particulate Matter	Kilns with a net rated thermal input of 2MW or more	100 mg/m <sup>3</sup>	Isokinetic sampling	Annually
Particulate Matter	Kilns with a net rated thermal input of less than 2MW	No visible emissions	Operator observations	At least daily when the kiln is in operation
Particulate Matter	All emissions to air	No visible emissions	Operator observations	At least daily
Particulate Matter	Fugitive emissions – Whole site	No visible emissions	Operator observations	At least daily
Particulate Matter	Arrestment equipment <sup>1</sup> with	50 mg/m <sup>3</sup>	Continuously recorded	Continuous

	exhaust flow >300m <sup>3</sup> /min (other than from kiln or silo arrestment plant)		indicative monitoring  Isokinetic sampling	At least once to demonstrate compliance, then as necessary to provide reference to the continuous indicative monitor
Particulate Matter	Arrestment equipment <sup>1</sup> with exhaust flow >100m <sup>3</sup> /min but <300m <sup>3</sup> /min (other than from kiln or silo arrestment plant)	Designed to achieve 50mg / m <sup>3</sup>	Continuous indicative monitoring to demonstrate that arrestment equipment is functioning properly	Continuously
Particulate Matter	Arrestment equipment <sup>1</sup> with exhaust flow <100m <sup>3</sup> /min (other than silo arrestment plant)	No visible emissions	Operator observations <b>OR</b> Continuous indicative monitoring to demonstrate that arrestment equipment is functioning properly	At least daily  Continuously
Nitrogen Oxides <sup>2</sup>	All new and substantially changed processes (with a net rated thermal input of 2MW or more)	500 mg/m <sup>3</sup>	Manual extractive testing	Annually
Chloride (expressed as hydrogen chloride)	All new and substantially changed processes (with a net rated thermal input of 2MW or more)	50 mg/m <sup>3</sup>	Manual extractive testing	Annually
Fluoride (expressed as	All kilns with a net rated thermal	10 mg/m <sup>3</sup>	Manual extractive	Annually

hydrogen fluoride)	input of 2MW or more		testing	
Sulphur oxides (expressed as sulphur dioxide)	All new and substantially changed processes (with a net rated thermal input of 2MW or more) where low sulphur clays are used ( $\leq 0.12\%w/w$ sulphur)	500 mg/m <sup>3</sup>	Manual extractive testing	Annually
Sulphur oxides (expressed as sulphur dioxide)	All new and substantially changed processes (with a net rated thermal input of 2MW or more) where high sulphur clays are used ( $> 0.12\%w/w$ sulphur)	2000 mg/m <sup>3</sup>	Manual extractive testing	Annually

<sup>1</sup> Where the plant discharges to the external atmosphere. <sup>2</sup> For nitrogen oxides, the value to be monitored should either be the sum of the concentration of nitric oxide and nitrogen oxide, or the concentration of nitric oxide alone to which is added an agreed increment, established by analysis, to represent the appropriate proportion of nitrogen dioxide.

2.1.2 All monitoring records required in table 3 including calibration and drift correction figures (using indices commensurate with compliance standards) shall be kept for a minimum of 24 months in a legible electronic format and be presented to Wychavon District Council upon request.

## 2.2 Emissions to land

2.2.1 There shall be no emissions to land from the Permitted installation.

2.2.2 The Operator shall notify the Council as soon as practical of any information concerning the state of the site which affects or updates that provided to the Council as part of the Site Report submitted with the application for this permit.

## 2.3 Emissions to water (other than emissions to sewer)

2.3.1 The limits for emissions into water for the parameters and emission points set out in Table 4 shall not be exceeded as shown on WD/E/04/01077/AP figure 4. An annual test to ensure compliance is required and the results shall be forwarded to the Council.

Table 4 Emission limits to water			
Location	Determinand	Concentration, mg/l	Location of outlet
W3 outlet from lagoons	Suspended matter	0-100	WD/E/04/01077/AP figure 4
	BOD	0-15	
	Oil	0-5	
	Ammoniacal Nitrogen	0-3	
W2 interceptor outlet	Suspended matter	0-60	WD/E/04/01077/AP figure 4
	BOD	0-40	
	Oil	0-5	

## 2.4 Emissions to sewer

2.4.1 There shall be no emissions to the foul or storm water sewer of any substance described in List I or List II in accordance with The Groundwater Regulations 1998.

## 2.5 Emissions to groundwater

2.5.1 There shall be no emissions to groundwater from the Permitted Installation.

2.5.2 There shall be no emission from the Permitted installation that shall give rise to the introduction of any substance described in List I or List II so as to cause pollution as defined in The Groundwater Regulations 1998.

## 3 Techniques for pollution control

### 3.1 Stockpiles and ground storage

3.1.1 Storage areas where there is vehicle movement shall have a consolidated surface which is kept in a good state of repair.

3.1.2 Materials stored in storage bays shall not be piled higher than the external walls of the bay and shall not be put forward of the bay.

3.1.3 Dust emissions from the stockpiles, storage areas and roadways shall be minimised by the use of adequate dust suppression equipment. Long term fixed water systems should be considered should dust emissions be apparent.

3.1.4 External conveyors from the box feeders, box feeders and transfer points shall be fitted with protection against wind whipping of particulate matter. Conveyors shall be cleaned regularly to minimise dust and raw material accumulations on the conveyor structure.

3.1.5 All loading to and from the stockpiles shall be carried out in a manner to prevent emissions to air, where necessary using the dust suppression equipment required by condition 3.1.3.

### **3.2 Point source emissions to air**

3.2.1 The Operator shall ensure that all operations that generate emissions to air are contained and adequately extracted to a suitable abatement plant, where necessary to meet the specified limits in Table 3.

3.2.2 Emissions from the chimney stacks referenced A1a, A2, D1, D2 and D3 listed in table 2 shall in normal operation be free from visible smoke and in any case do not exceed the equivalent of Ringlemann Shade 1 as described in British Standard BS2742:1969.

3.2.3 Stacks should be of sufficient height to ensure adequate dispersal under normal conditions.

3.2.4 The Operator shall be able to demonstrate that all reasonably practical steps are taken during start up and shut down, and changes of fuel or combustion load in order to minimise emissions.

3.2.5 All emissions into the air from the instillation shall be free from any persistent visible emission. Any emission of water vapour shall be free from droplet fall out. The Operator shall investigate the cause and nature of any persistent visible emission and provide a report to the Council.

3.2.6 Flues and ductwork shall be cleaned as part of the routine maintenance program to prevent accumulations of materials.

3.2.7 Exhaust gases discharged through chimney stacks shall achieve a discharge velocity sufficient to prevent the discharged plume being effected by aerodynamic down wash.

3.2.8 Chimneys shall not be fitted with any restriction at the final opening such as a plate, cap or cowl, with the exemption of a cone that may be necessary to increase the exit velocity of emissions.

### **3.3 Point sources emissions to surface water and sewer**

3.3.1 The operator shall ensure that:

- All emissions are controlled, as a minimum, to avoid a breach of water quality standards. Run off from the installation shall be controlled and managed.
- All interceptors are impermeable, subject to visible inspection and any contamination is removed at a frequency agreed with the Council and have an annual maintenance inspection; prior to inspection all contents shall be removed.
- Procedures for dealing with the discharges from bunds shall be in place.

### **3.4 Fugitive emissions to air**

3.4.1 Operations shall be controlled with the aim of preventing visible emissions with the exception of one off events during start up and shut down.

3.4.2 Fugitive emissions of particulate matter shall be controlled using the following techniques:

- Cover skips, vessels and road vehicles
- Regular housekeeping
- Clean all processes buildings, rooves, guttering, ancillary plant, roadways, open yards and storage areas regularly
- Inspect integrity of external surfaces annually and results of inspections and intended maintenance arising shall be recorded in the log book.
- Ensure that the method of collection of product or waste from dry arrestment plant minimises dust emissions
- Clean up promptly all spillages which may give rise to dust emissions

3.4.3 The loading and unloading of road vehicles shall be carried out as to minimise dust emissions.

3.4.4 Roadways in normal use and any other area where there is regular movement of vehicles shall have a consolidated surface capable of being cleaned. They shall be kept clean in order to prevent or minimise dust emissions. They shall be kept in good repair.

### **3.5 Fugitive emissions to surface water, sewer and groundwater.**

3.5.1 The routing of all installation drainage and subsurface pipework shall be established and recorded and be available for inspection by an authorised officer of the Council.

3.5.2 The Operator shall Identify the potential risk to the environment from drainage systems recorded as condition 3.5.1 and shall devise an inspection and maintenance program having regard to the nature and volume of waste waters, groundwater vulnerability and proximity of drainage systems to surface waters.

3.5.3 Storage areas and containers shall be designed and operated to minimise the risk of fugitive releases to surface water, sewer and groundwater, in particular:

- Storage areas shall be located away from watercourses and shall be protected against vandalism.
- The maximum storage capacity of storage areas shall be stated and not be exceeded
- The maximum storage period for containers shall be specified
- Storage areas and silos shall be inspected at least once a week to check for signs of leakage or potential leakage.

### **3.6 Odour**

3.6.1 The Operator shall use BAT so as to prevent or minimise odorous emissions from the Permitted installation.

3.6.2 If operations are identified as resulting in offensive odour as perceived by the Regulator, the Operator shall devise an odour control program of improvements and maintain an odour management plan.

## **4. Management**

### **4.1 Environmental Management System**

4.1.2 Operators shall use an effective Environmental Management System (EMS) with policies and procedures for environmental compliance and improvements. The EMS shall include a complaints procedure for recording any complaints concerning the installations alleged emissions to the environment. Internal audits shall be carried out on an annual basis and submitted to the regulator by 31st January each year. Information from these audits, reviews and assessments shall be used to establish benchmarks. Operators shall keep records of such benchmarks and make measurement against them to reveal whether the process is being maintained “in control” or to track improvements.

### **4.2 Operations and Maintenance**

4.2.1 Effective operational and maintenance systems shall be employed for aspects of the installation where failure could impact on the environment, in particular there shall be:

- Documented operational control procedures
- A documented preventative maintenance schedule that shall be reviewed and updates annually.
- Documented procedures for monitoring emissions.

4.2.2 The Council shall be provided with a list of key processes equipment and abatement equipment the failure of which could impact on the environment. Such equipment shall be provided with alarms or other warning systems that indicate equipment malfunction or breakdown. Such warning systems shall be maintained and checked to ensure continued correct operation, in accordance with the manufactures recommendations.

4.2.3 Essential spares and consumables for such equipment should be held on site or be available at short notice from suppliers, so that plant breakdown can be rectified rapidly.

4.2.4 Records of breakdowns of key processes equipment that could impact upon the environment shall be kept and analysed by the Operator in order to eliminate common failure modes.

### **4.3 Competence and training**

4.3.1 A competent person shall be appointed to liaise with the Council and the public with regard to complaints. The Council shall be informed of the designate individual.

4.3.2 A formal structure shall be provided to clarify the extent of each level of employees responsibility with regard to the control of the process and its environmental impacts. This structure shall be prominently displayed on the company within the process building or alternatively there must be a notice referring all employees to where the information can be found.

4.3.3 Personnel at all levels shall be given training and sufficient instruction to fulfil their designated duties under the above structure. Details of such training and instruction shall be



entered into the employees record and made available for inspection by the Council.

Training systems should cover the following;

- Awareness of the regulatory implications of the permit
- Awareness of all potential environmental impacts under normal and abnormal circumstances
- Awareness of the procedures for dealing with a breach of the permit conditions
- Prevention of accidental emissions and action to be taken when accidental emissions occur
- Awareness of all operating procedures

4.3.4 The potential environmental risks posed by the work of contractors shall be assessed and instruction provided to contractors about protecting the environment whilst working on site.

#### 4.4 Accidents / incidents / non conformance

4.4.1 There shall be a written procedure for investigating incidents and near misses which may affect the environment, including identifying suitable corrective action and following up.

4.4.2 The Operator shall maintain an accident management plan that identifies the hazards, assesses the risks and identifies the measures required to reduce the risk of potential events or failures that might lead to an environmental impact. The plan shall be available for inspection by the Council and shall identify:

- The actions to be taken to minimise these potential occurrences
- The actions to deal with such occurrences so as to limit their consequences.

4.4.3 In the case of abnormal emissions arising from an accident, such as a spillage, for example, the Operator shall;

- Investigate immediately and undertake remedial action as soon as practicable
- Promptly record the events and actions taken
- Ensure the Council is made aware, as soon as practicable.

#### 4.5 Raw Materials

4.5.1 The operator shall ensure that decisions are taken to control the specification of those types of raw material with the main potential for environmental impact in order to minimise that impact. An annual review of alternative raw materials shall be carried out with regard to environmental impact.

4.5.2 The operator shall ensure that all deliveries of raw materials are carried out in such a way so as to minimise noise, spillage, leaks and dusty emissions.

#### 4.6 Waste minimisation, handling and management

4.6.1 The Operator shall record raw materials usage and waste generation in order to establish internal benchmarks. Assessments shall be made against internal benchmarks to maintain and improve resource efficiency.

4.6.2 The Operator shall carry out a waste minimisation audit at least as frequently as the permit review period. The methodology used and an action plan for optimising the use of raw materials shall be submitted to the council within two months of completion of the audit.

4.6.3 Specific improvements resulting from the recommendations of audits shall be carried out within a timescale approved by the Council.

4.6.4 Waste materials specified in Table 5 shall only be stored on the site in the location and manner specified in that table;

Table 5			
Description of waste	Location of storage on site	Manner of storage	Storage conditions
General waste	In skip	Skip	
Inert inorganic solid matter- abatement	In system when removed	In situ	In situ when abatement unit removed
Scrap metal	In skip	Skip	
Oil	In tank 2800 litres		Double skinned tank
Fibre	Car park	Sealed bags	Bag in skip
Fired and green waste	On road to rear of site		

4.6.5 The Operator shall:

- Record the quality, nature, origin and where relevant, the destination, frequency of collection, mode of transport and treatment method of any waste that is disposed of or recovered.
- Ensure that waste storage areas are clearly marked and signed, and that all containers are clearly labelled
- Ensure that appropriate storage facilities are provided for substances that are flammable, sensitive to light or heat etc, and those incompatible waste types are kept separate.
- Ensure that containers are stored with lids, caps and valves secured in place (this also applies to emptied containers)
- Ensure that procedures are in place to deal with damaged or leaking containers.
- Segregate waste where ever practicable
- Identify the disposal route for all waste, which should be as close to the point of production as possible
- Ensure that dust from abatement plant shall be collected in robust bags that can be disposed of directly, or in fully enclosed skips to avoid the release of fugitive dusts during transfer

- Dusty wastes shall be stored in closed containers and handled in a manner that avoids emissions.

4.6.6 The Operator shall carry out an annual review to demonstrate that the best environmental options are being used to minimise waste streams.

4.6.7 The Operator shall every two years, investigate potential markets for the recovery/ reuse of waste streams that are currently disposed to landfill.

#### 4.7 Water use

4.7.1 The Operator shall carry out a regular review of water use (water efficiency audit) at least as frequently as the permit review period.

4.7.2 Using information from the water efficiency audit, opportunities for reduction in water use shall be assessed and where appropriate shall be carried out in accordance with a timescale approve by the Council.

4.7.3 The volume of mains and abstracted water used in the permitted activity shall be directly measured, once a week or at a frequency agreed by the Council, when the installation is operating all measurements shall be recorded and the records held on site.

#### 4.8 Energy efficiency

4.8.1 The Operator shall produce a report annually on the energy consumption of the installation.

4.8.2 The Operator shall monitor energy flows and target areas for reductions that shall be updated annually.

4.8.3 The Operator shall ensure that all plant is maintained to optimise the use and minimise the loss of energy.

4.8.4 The Operator shall ensure that all appropriate containment methods (e.g seals and self closing doors) are employed and maintained to minimise energy loss.

4.8.5 The following energy efficiency techniques shall be considered;

- Heat recovery from different parts of the process
- Minimisation of water use and closed circulating systems
- Good insulation
- Plant layout to reduce pumping distances
- Phase optimisation of electronic control motors and fans
- Preventative maintenance program targeting energy drops
- Use of heat exchanger
- Oxygen enhanced fuel usage.

4.8.6 The following energy supply techniques shall be considered;

- The use of combined heat and power (CHP)

- Generation of energy from waste
- Use of less polluting fuels

#### 4.9 Noise and vibration

4.9.1 The rating level of noise from the installation shall not exceed 50dB (A) Leq (1hour) between 07:00 and 22:00 hours and 45 dB (A) Leq (5 minutes) between 22:00 and 07:00 hours. The levels are to be measured at the nearest boundary of any noise sensitive premises. The measurements shall be made in accordance with the provisions of BS4142:2014; Methods for rating and assessing industrial and commercial sound.

4.9.2 Any single noise event arising from the loading of raw materials into the box feeders, tipping of waste product or the mobile plant and equipment shall not exceed 58 L<sub>Amax</sub>(fast) between 19:00 and 07:00 hours. The levels to be measured at the nearest boundary of any noise sensitive premise.

4.9.3 A Noise Management Plan shall be drawn up by the Operator and noise from the installation shall be controlled in accordance with this plan. The plan shall be agreed with the Council and reviewed regularly and updated as necessary.

4.9.4 Noise levels when the installation is operational, shall be quantitatively monitored by a competent person at the following locations on two occasions during the year to demonstrate compliance with conditions 4.9.1 and 4.2.2. A report detailing the methodology, measurements and results shall be forwarded to the Council within 8 weeks of the completion of the monitoring.

Location 1      West View / Torton Rise / Walton Lane, Hartlebury

Location 2      Pear Trees, Whitlence Lane, Hartlebury

4.9.5 The operator shall employ basic good practice measures for the control of noise, in particular;

- Identification of key plant and equipment with the potential to give rise to noise complaints
- From chimneys, fans, pumps, compressors, electric motors and ventilation openings , where necessary, provided with effective noise control measures.
- Documented maintenance systems for the identified key plant and equipment

### **5. Monitoring**

#### 5.1 Monitoring and reporting of emissions

5.1.1 The Operator shall monitor emissions, make tests and inspections of the process and keep records, in particular the operator shall keep records of audits, inspections, tests and monitoring, including all non-continuous monitoring, inspections and visual assessments. Monitoring may include process variables and operating conditions where relevant to emissions.

5.1.2 The current records shall be kept on site and be made available for inspection by an authorised inspector of the Council. The records shall be kept by the Operator for at least two years.

5.1.3 The Operator shall notify the Council at least 7 days before any periodic monitoring exercise to determine compliance with emission limit values. The Operator shall state the provisional time and date of monitoring, pollutants to be tested and the methods used.

5.1.4 The results of non-continuous emissions testing shall be forwarded to the Council within 8 weeks of the completion of the sampling. Results from continuous monitoring systems shall be recorded and be made available for inspection by the Council.

5.1.5 All results submitted to the Council shall include details of process conditions at the time of the monitoring, monitoring uncertainty as well as any deviations from the procedural requirements of standard reference methods and the error invoke from such deviations.

5.1.6 Results exceeding the emission limit from any monitoring activity (both continuous and non- continuous) and malfunction or breakdown leading to abnormal emissions shall be investigated and corrective action taken immediately. The Operator shall ensure that the Council is notified without delay identifying the cause and corrective action taken. Where there is immediate danger to human health, operation of the activity shall be suspended.

5.1.7 Where available, operators shall use monitoring equipment and instruments certified to MCERTS and use a stack testing organisation accredited to MCERTS standards or such alternative requirements as approved by the Council.

5.1.8 In the event of adverse results from any monitoring activity or in the event of abnormal emissions, or malfunction or breakdown likely to or leading to an emission the Operator shall undertake the following actions:

- Investigate the cause immediately;
- Carry out corrective action as soon as is practicably possible;
- If relating to stack testing, undertake re-testing to demonstrate compliance in agreement between the regulator and operator;
- If relating to abnormal emissions, adjust the process or activity to minimise those emissions. Should corrective action prove ineffective the process shall be shut down in a controlled manner and the regulator informed of the outcome.
- Record details regarding the cause and extent of the problem and the action taken to rectify the situation as soon as reasonably practicable;
- Records of breakdowns and plant failure shall be analysed in order to identify trends and eliminate common failures

For the purpose of this condition, abnormal emissions are emissions to air, land, sewer or groundwater, including noise, that have the potential to have an adverse impact beyond the boundary of the installation.

5.1.9 The Operator shall notify the Regulator without delay and no later than 10.00 hours on the next working day of:-

- The failure of key abatement plant (such as bag filtration units);
- Any monitoring activity (both continuous and non-continuous) showing an emission concentration exceeding the limit value;
- Any event or incident that has caused, or is likely to have an effect on the environment.

A detailed written report of the circumstances, and remedial actions taken shall be submitted to the regulator within 7 days of the incident occurring.

5.1.10 The operator must respond to any Information Notice served on them for the purposes of complying with your obligation to report your pollutant releases and off-site waste transfers pursuant to the directly applicable EU duty in accordance with Article 5 of EC Regulation No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register. As a permit condition, your failure to respond in accordance with such annual E-PRTR Information Notice will hereby constitute a breach of your permit.

## 5.2 Monitoring and reporting of emissions to air

5.2.1 Exhaust flow rates of waste gases shall be consistent with the efficient capture of emissions, good operating practice and meeting the requirements of the legislation relating to the work place environment.

5.2.2 The introduction of dilution air to achieve emission concentration limits shall not be permitted.

5.2.3 Monitoring to determine compliance with emission limit values shall be corrected to the following standard reference conditions: for kiln emissions, temperature 273.15 K (0° C), pressure 101.3 kPa (1 atmosphere) 18 % oxygen measured dry, and averaged over the firing cycle of the kiln. For other emissions temperature 273.15 K (0°C), pressure 101.3kPa (1 atmosphere) without correction for water vapour content.

5.2.4 Periodic visual assessment of releases shall be undertaken as required by the Council to ensure that all final releases are colourless, free from persistent visible emissions and free from droplets. These observations shall be made at least once a day and the time, date, location and result shall be recorded and made available for inspection by the Council.

## 5.3 Monitoring and reporting of waste

5.3.1 The following shall be monitored and recorded for all waste which is consigned off site;

- Quality nature and origin of the waste
- The physical and chemical composition of the waste
- Any relevant hazardous properties
- Handling precautions and substances that cannot be mixes
- Disposal routes for each waste category

## **6. Decommissioning**

6.1 Prior to site operations ceasing, the Operator shall devise and submit to the Regulator for written approval, a scheme of works for decommissioning the site. The site shall not be decommissioned until the scheme has received written approval.

6.2 Prior to cessation of Permitted activities, the Operator shall submit a method statement for intrusive sampling of the site to the Regulator. Once agreed, the Operator shall carry out the intrusive sampling and forward the results within 8 weeks of the sampling to the Regulator. The Operator shall then undertake remediation of the land to an agreed level, within timescales agreed in writing by the Regulator, in order to remove contamination that may be attributable to Permitted activities.

### **Interpretation of Terms**

For the purposes of this Permit, and unless the context requires otherwise, the following definitions shall apply:

Any term or expression already defined in the Regulations shall be taken to have the same meaning as provided in the Regulations;

“Duly Authorised Officer” means a person who is authorised in writing under Section 108 of the Environment Act 1995 to carry out duties on behalf of Wychavon District Council;

“incident” means any of the following situations:

- Where an accident occurs which has caused or may have the potential to cause pollution;
- Where any malfunction, breakdown or failure of plant or techniques is detected which has caused or may have the potential to cause pollution;
- A breach of any condition of this Permit;
- Where any substance, vibration, heat or noise specified in any Condition of this Permit is detected in an emission from a source not authorised by a Condition of this Permit and in a quantity which may cause pollution;
- Where an emission of any pollutant not authorised to be released under any Condition of this Permit is detected;
- Where an emission of any substance, vibration, heat or noise is detected that has exceeded, or is likely to exceed, or has caused, or is likely to cause to be exceeded any limit on emissions specified in a Condition of this Permit.

“Location Plan” means the plan attached in WD/E/04/01061/AP figure 1 of this Permit;

“the Permitted Activities” are defined in the introductory note of this Permit;

“the Permitted Installation” is shown in red on WD/E/04/01061/AP figure 1 of this Permit and includes references to parts of the Permitted Installation;

“the Regulations” means The Environmental Permitting (England and Wales) Regulations 2016 as amended;

“Regulator” means Wychavon District Council;

"the Site Boundary" is defined in red on the attached plan reference WD/E/04/01061/AP figure 1 on this Permit;

"Site Plan" means the plan attached at WD/E/04/01061/AP figure 2.

"systematic assessment" means an assessment undertaken in a methodical and planned manner.

"water environment" has the same meaning as in the Water Resources Act 1991 and Groundwater (England and Wales) Regulations 2009, that is all surface water, groundwater and wetlands; and "surface water", "groundwater" and "wetlands" shall have the same meanings as in the Act.

"writing" includes electronic communication within the meaning of section 15 (general interpretation) of the Electronic Communications Act 2000;

Any reference to a numbered Condition, group of Conditions, Schedule, Table, Appendix, Figure or Paragraph is a reference to the condition, group of conditions, schedule, table, appendix, figure or paragraph bearing that number in this Permit;

Except where specified otherwise in this Permit:

"day" means any period of 24 consecutive hours,

"week" means any period of 7 consecutive days,

"month" means a calendar month,

"quarter" means a calendar quarter

"year" means any period of 12 consecutive months;

"calendar year" means a period of 12 consecutive months ending on 31 December.

and any derived words (e.g. "monthly", "quarterly") shall be interpreted accordingly;

Except where specified otherwise in this Permit, any reference to an enactment or statutory instrument includes a reference to it as amended (whether before or after the date of this Permit) and to any other enactment, which may, after the date of this Permit, directly or indirectly replace it, with or without amendment.

Wychavon District Council (The Regulator) in exercise of its powers under Regulation 21 of the Environmental Permitting (England & Wales) Regulations 2016 (as amended) hereby permits:

Wienerberger Ltd

Whose registered office is:

Wienerberger House, Brooks Drive, Cheadle Royal Business Park, Cheadle, Cheshire, SK8 3SA

To operate an installation at:

Hartlebury Works, Whittle Lane,, Hartlebury, Kidderminster, Worcestershire, DY10 4HB

To the extent authorised by and subject to the conditions of this Permit and operated within the installation boundary outlined in the attached plan WD/E/04/01061/AP figure 1.



Signed on behalf of Wychavon District Council

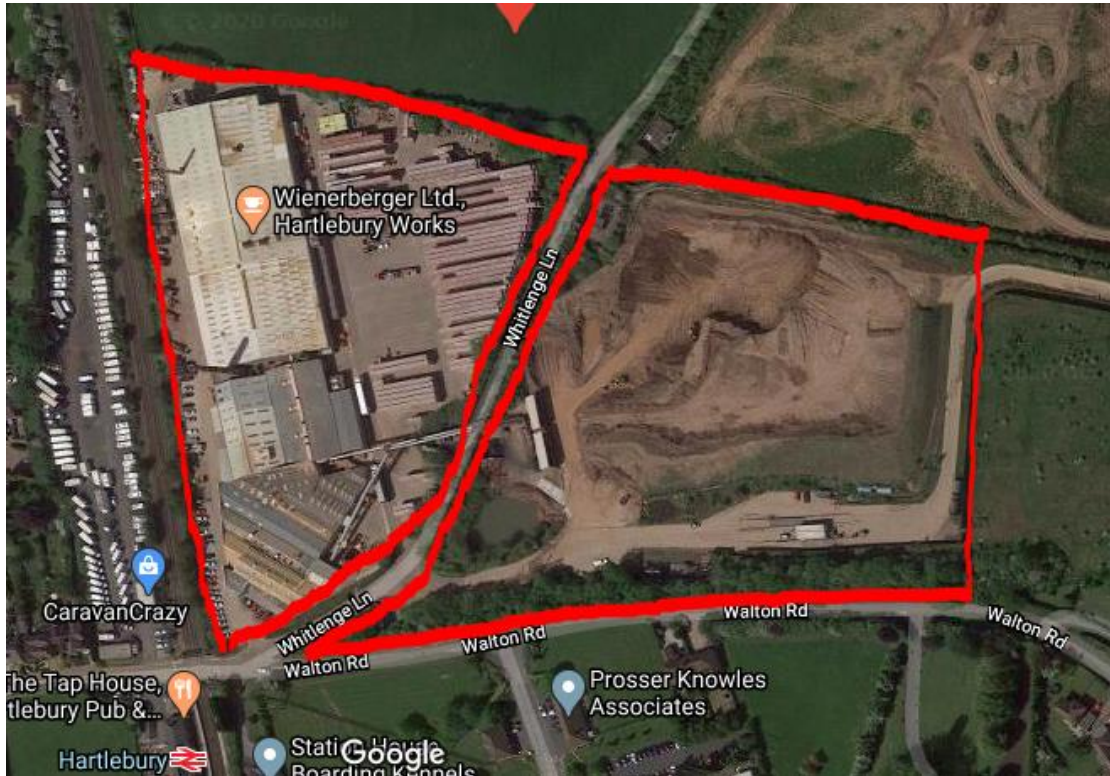


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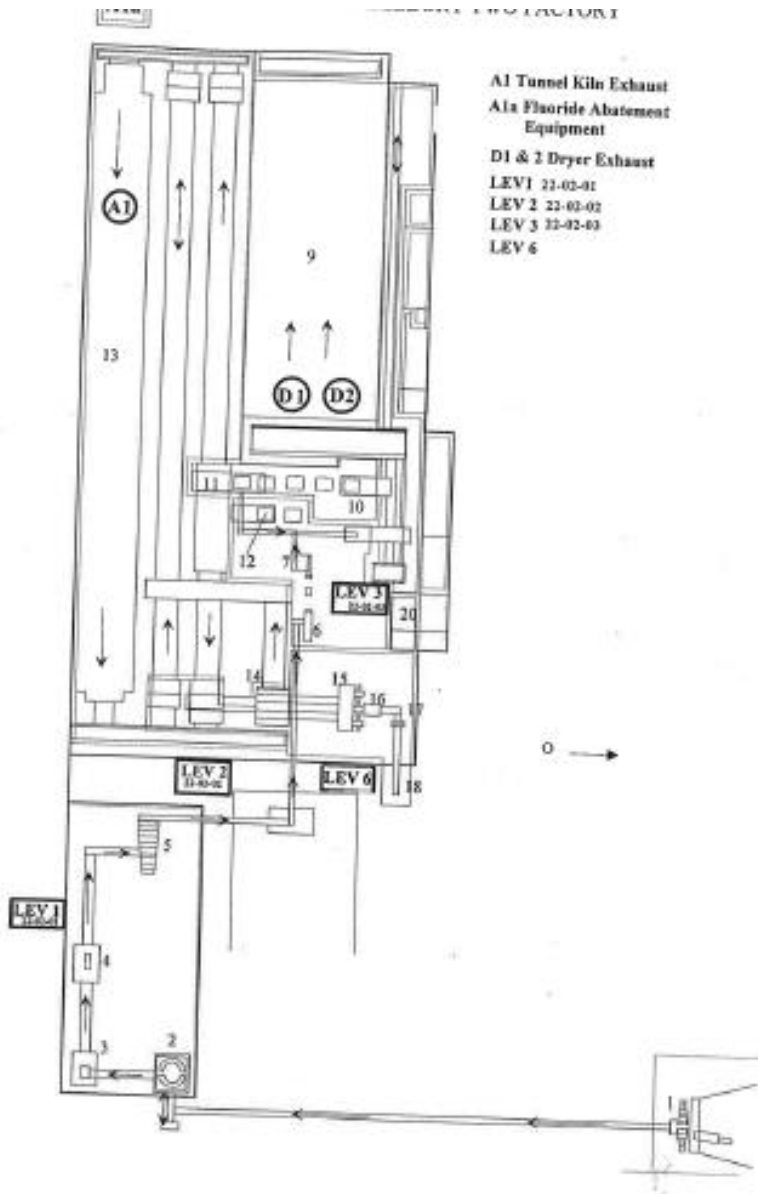
Dated:25/09/2020

Toni Ainscough, Environmental Health Officer  
An authorised officer of the Council

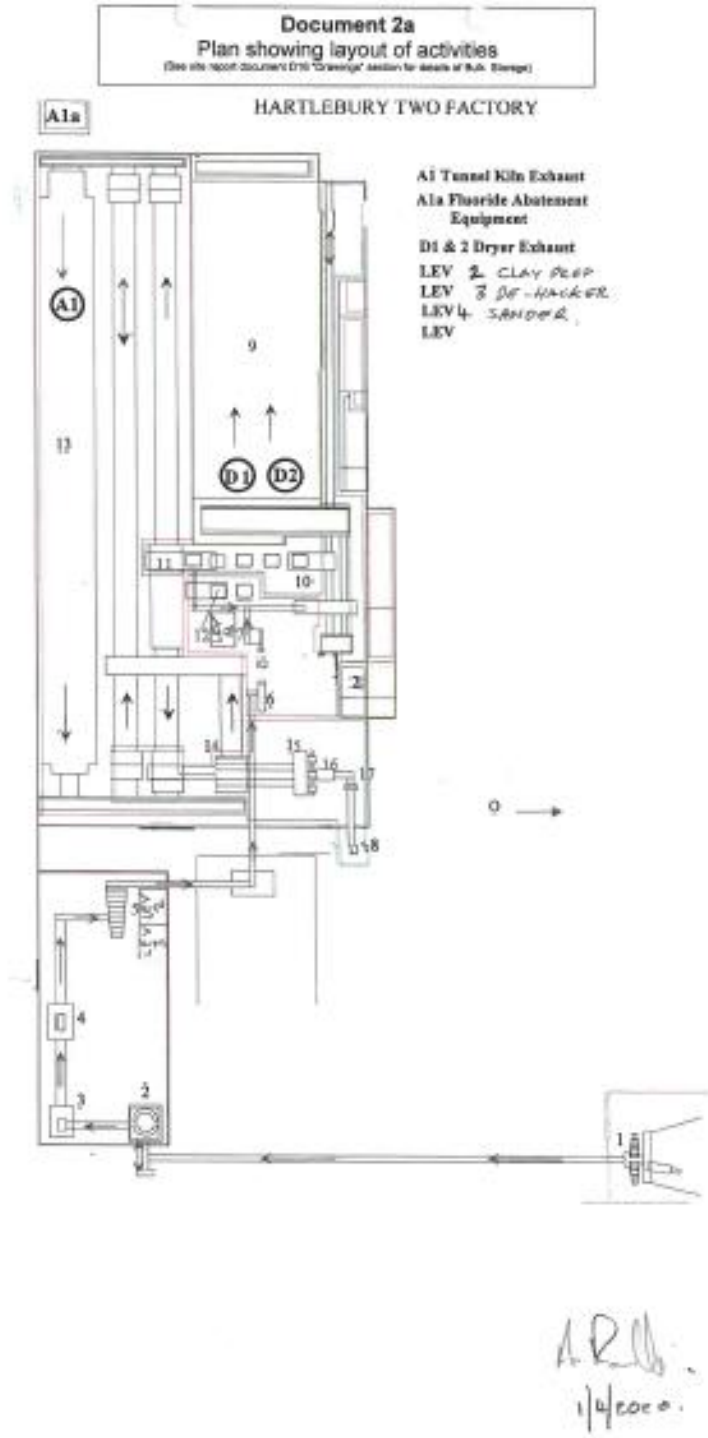
WD/E/04/01077/AP Figure 1 Site location and Installation Boundary



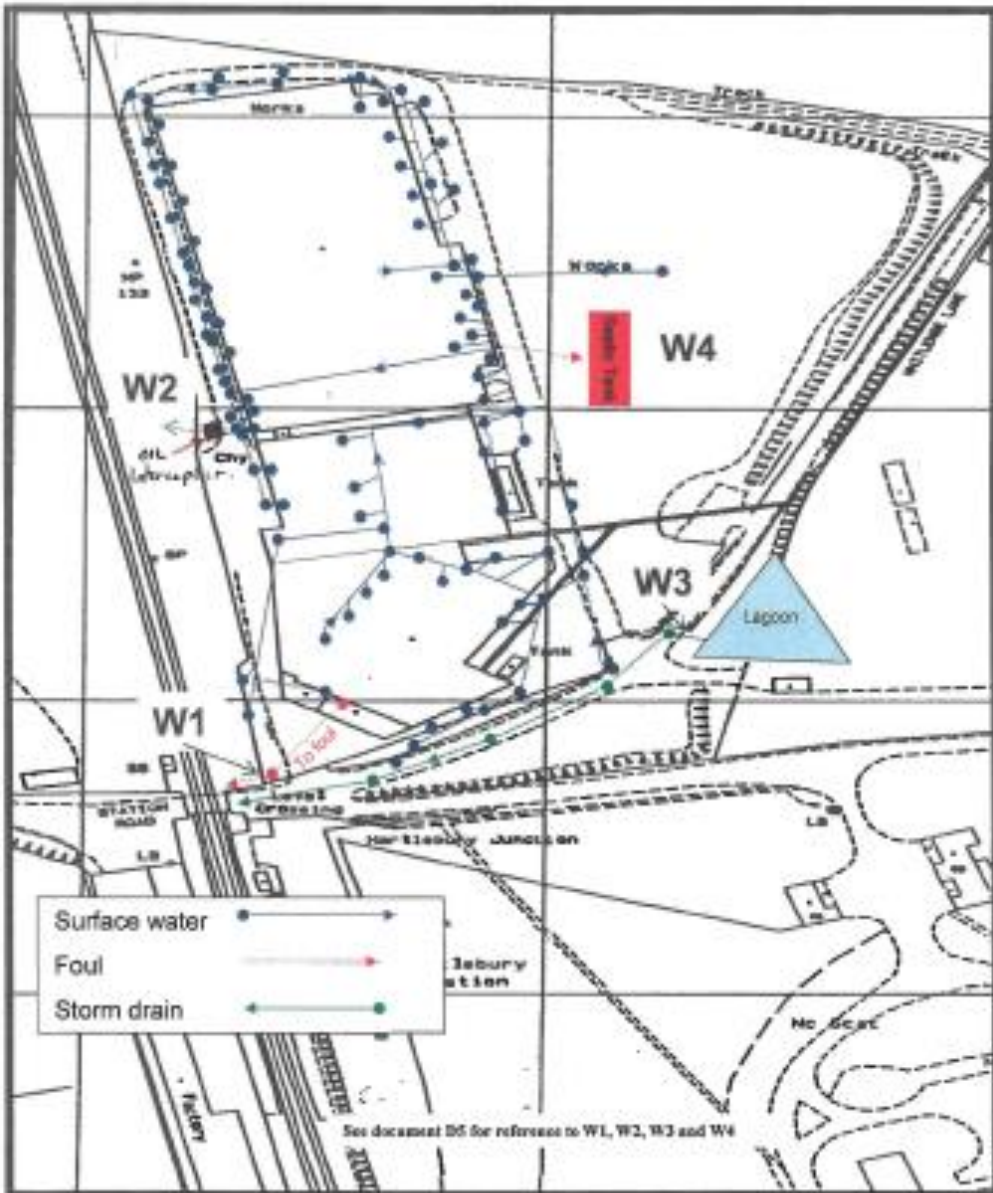
**WD/E/04/01077/AP Figure 2 Site layout plan**



**WD/E/04/01077/AP figure 3 emission points**



WD/E/04/01077/AP figure 4 drainage plan and water discharge points



Document 3 – Map showing the location of Hartlebury Drainage

*H.K.D.* 1/4/2020

.....END OF PERMIT.....

## Explanatory Notes

These notes do not form part of the permit.

## Appeals

If you are aggrieved by any of the Conditions of the Permit, you should initially contact Wychavon District Council. Further information on your right of appeal and the appeals procedure is contained in Regulation 31 and Schedule 6 of the Regulations.

To appeal you must supply in writing:

- 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 decision or notice which is the subject matter of the appeal; and
- A statement including whether the appellant wishes the appeal to be in the form of a hearing or to be dealt with by way of written representation.

The appeal must be made within 6 months of the decision or deemed decision.

Appeals must be sent to:

The Planning Inspectorate  
Environment Team, Major & Specialist Casework  
Room 4/04 Kite Wing  
Temple Quay House2  
The square  
Temple Quay  
Bristol, BS1 6PN

A copy of the notice and documents must also be sent to Wychavon District Council.

## Subsistence charge

An annual subsistence charge will be payable in respect of the Permit in terms of any relevant charging scheme made under Section 65 of the Regulations and issued by Welsh Government / Department of Environment, Food and Rural Affairs, copies of which are available from Wychavon District Council.

## Review of conditions

Under Environmental Permitting Regulations 2016 SI 675 the legislation requires permits to be 'reviewed' periodically but does not specify a frequency. It is considered that a frequency of once every eight years shall be adequate with reference to Regulation 34(1) Environmental Permitting (England & Wales) Regulations 2016 SI 675. Where significant pollution is encountered or where there are changes in BAT or where the operational safety of the activity requires other techniques to be used an immediate review shall be undertaken.

## Proposed change in operation of installation

### Notification of Changes under Regulation 20

If an operator proposes to make a change in operation of the installation, they must, at least 14 days before making a 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.

*“Change in operation” means a change in the nature or functioning or an extension of the installation which may have consequences for the environment.*

An example form is included in Part C of the ‘General Guidance Manual on Policy and Procedures for A2 and B Installations’ and can be downloaded as a word document from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69498/en-v-permitting-general-guidance-cd.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69498/en-v-permitting-general-guidance-cd.pdf)

These notifications are appropriate for changes that are not likely to require the variation of permit conditions.

### Enforcement and offences

Offences under Regulation 38 of the Environmental Permitting Regulations, It is an offence for a person to Contravene regulation 12(1): or knowingly cause or knowingly permit the contravention of regulation 12(1)(a). It is an offence for a person to fail to comply with or to contravene an environmental permit condition. It is an offence for a person to fail to comply with the requirements of an enforcement notice or of a prohibition notice, suspension notice or landfill closure notice or mining waste facility closure notice.

It is an offence for a person-

- To fail to comply with a notice under regulation 60(1) requiring the provision of information, without reasonable excuse;
- To make a statement which the person knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in material particular, where the statement is made-
- In purported compliance with a requirement to provide information imposed by or under a provision of these Regulations.
- For the purpose of obtaining the grant of an environmental permit to any person, or the variation, transfer in whole or in part, or surrender in whole or in part of an environmental permit, or
- For the purpose of obtaining, renewing or amending the registration of an exempt facility;
- Intentionally to make a false entry in a record required to be kept under an environmental permit;

With intent to deceive-

- To forge or use a document issued or authorised to be issued or required for any purpose under an environmental permit condition, or

- To make or to have in the person's possession a document so closely resembling such a document as to be likely to deceive.

It is an offence for an establishment or undertaking to-

- fail to comply with paragraph 14(3) or (4) of Schedule 2; or
- intentionally make a false entry in a record required to be kept under that paragraph.

If an offence is committed by a person under this regulation is due to the act or default of some other person, that other person is also guilty of the offence and liable to be proceeded against and punished accordingly, whether or not the proceedings for the offence are taken against the first-mentioned person.

### Penalties

Penalties under Regulation 39 of the Environmental Permitting Regulations are:

1. A person guilty of an offence under regulation 38(1), (2) or (3) is liable-
  - (a) On summary conviction to an unlimited fine or imprisonment for a term not exceeding 12 months, or to both; or
  - (b) On conviction on indictment to a fine or imprisonment for a term not exceeding 5 years, or both.
2. In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003(a), paragraph (1)(a) has effect as if for "12 months" there were substituted "6 months".
3. A person guilty of an offence under regulation 38(4) is liable-
  - (a) On summary conviction to an unlimited fine; or
  - (b) On conviction on indictment to a fine or imprisonment for a term not exceeding 2 years, or to both.
4. An establishment or undertaking guilty of an offence under regulation 38(5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### Transfer of permit

The permitted operator who wishes to transfer the whole or part of the permit to a person who proposes to carry out the activity in the holder's place may do so in accordance with Regulation 21. Both the operator and the proposed transferee shall jointly make an application to the regulator to effect the transfer. An application shall include the permit and any fee prescribed in respect of the transfer under Regulation 65 and shall contain the operator's and the proposed transferee's contact details.

### Recording systems, procedures or information recording/ return requirements.

Where a Condition requires any system, procedure or information record/return, the Operator may demonstrate compliance by making use of any relevant existing written system used for any other purpose and which meets the requirements of the relevant Condition.

### Systematic assessment (and review)



Where a condition of the permit requires a “systematic assessment (and review)” the assessment should be undertaken in a methodical and arranged manner. If you require guidance on the scope or extent of any assessment (and review) required to be undertaken, you should contact Wychavon District Council, Queen Elizabeth Drive, Pershore, Worcestershire, WR10 1PT.

#### Surrender of permit

The operator may apply to surrender their permit under Regulation 25. The application must be accepted if Schedule 5 Part 1 Regulation 14 of the Environmental Permitting (England and Wales) Regulations 2016 as amended and Article 22 of the Industrial Emissions Directive 2010/75/EU have been met. The operator will be required to supply evidence that necessary measures have been taken to (a) avoid a pollution risk resulting from the operation of the regulated facility and (b) to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.

#### Inspections

Under Environmental Permitting Regulations 2016 SI 675 the legislation requires the regulator undertake appropriate periodic inspections of regulated facilities. Inspections should be undertaken in accordance with a risk assessment and following on from any complaints or applications.

### **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 2016 Regulations. A person guilty of an offence under this regulation could be liable to (i) an unlimited fine 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 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 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 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

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, ie 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.