# Pollution Prevention and Control Act 1999

# Environmental Permitting (England and Wales) Regulations 2016

Tamworth Borough Council

# INSTALLATION PERMIT

## REF – P09/B20/2025

## Permit to operate a Coating Manufacturing Process

**Tamworth Borough Council permits**

**HB Fuller UK Manufacturing Ltd**
**Globe Lane Industrial Estate**
**Outram Rd**
**Dukinfield**
**SK16 4XE**

# Pollution Prevention and Control Act 1999

## Environmental Permitting (England and Wales) Regulations 2016

# Permit Reference No. P09/B20/2025

**Installation Premises**

**HB Fuller (Tamworth)**
**Sandy Way,**
**Amington Industrial Estate,**
**Tamworth,**
**Staffordshire,**
**B77 4DT**

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# Section One

## Introductory Note
## &
## Description of Permitted Installation

**Pollution Prevention and Control Act 1999**
**Environmental Permitting (England and Wales) Regulations 2016**

**Permit Reference No. P09/B20/2025**

# Introductory Note

| Installation | Address |
|---|---|
| HB Fuller (Tamworth) | Sandy Way/ Felspar<br>Amington Industrial Est,<br>Tamworth,<br>Staffordshire,<br>B77 4DT |
| **Permit Holder:** | **Registered Address** |
| HB Fuller UK Manufacturing Ltd | Globe Lane, Industrial Estate, Outram Rd, Dukinfield, SK16 4XE |

| Provenance | Date |
|---|---|
| Application for Authorisation (EPA 90) | 20th August 1992 |
| Authorisation issued | 12th April 1994 |
| Variation to Authorisation | 28th February 2000 |
| Permit 'deemed' application | 1ST April 2003 |
| Permit Issued | 21st August 2006 |
| Permit variation | 20th October 2010 |
| Permit variation | 14th February 2017 |
| Permit Transfer to HB Fuller UK Manufacturing Ltd | 6th April 2025 |

**HB Fuller UK Manufacturing Ltd is hereby permitted by Tamworth Borough Council to carry on an Adhesive Coating Manufacturing process as defined in Section 6.5, Part B and Section 4.1 Part B of Part 2 to Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2016 and as described below and within the installation boundary as marked red on the attached plan reference P09/Plan and in accordance with the conditions detailed in Section 2 of this Permit.**

**Signed**  **Date** 6th April 2025

Wendy Smith
Head of Service Environmental Health

# Process Description

**1.0** HB Fuller (Tamworth) specialises in the development and manufacturer of industrial adhesives, sealants, coatings, and bonding systems for both advanced technology and traditional applications.

The company supply adhesives and sealants to industries such as aerospace components, acoustic and electronics.

**1.1** HB Fuller Tamworth core products are a range of polyurethane and solvent-based adhesives - the main constituents being polyols, low volatility isocyanates, synthetic rubbers and resins. New technologies and the stimulus of emerging markets are increasing the demand for water-based products, solvent-free system, moisture curing polyurethanes, reactive hot melts, epoxy resins, cyanoacrylates and specialty polyurethane coatings and mouldings.

**1.2** As a whole the installation falls within Sections 6.5(B)(a(i)) of Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2016 and Schedule 14 Solvent activity Line 17.

Table 3.1 of PG Note 6/44 (11) (revised June 2013) Statutory Guidance for the Manufacture of Coating Materials details activities which apply under the legislation with a threshold for such process being 100 tonnes of solvent consumed per year.

For VOC all installation must comply with the provisions of SE Box 7 of the PG Note and then either of the following two compliance options:-

- Total Emission Limit Values in SE Box 5 of the PG Note
- Emission and Fugitive Limits in SE Box 6 of the PG Note

HB Fuller(Tamworth) have chosen the Emission and Fugitive Limits as the means of compliance with the future intention if possible of adopting the Total Emission Limit Value compliance route.

**Polyurethane Adhesive Production**

**1.3** Polyurethane adhesives are manufactured on the main site at Sandy Way. Bulk tanks located outside in bunded areas and store castor oil, polyols, polyurethane intermediates and isocyanates for the polyurethane manufacturing/decant processes. Each tank is fitted with a high-level alarm to prevent over filling and the isocyanate tanks have the additional protection of a closed charge system (tanker return line). Isocyanate tankers have top flanged connections and are pumped out using our own pumping system. Polyol and castor oil tankers have bottom offloading connections and are transferred to the storage tanks using the tanker offloading pump or compressor.

**1.4** The isocyanates are either manually charged from drums or IBC's using 'dead' vacuum or pumped directly from bulk holding tanks into the reaction vessels. Polyols follow the same charging options but are usually charged after the isocyanates. Charging times from the bulk tanks are typically 4 minutes per 1000kg for both polyols and isocyanates but manual charges can take 3 times as long. Polyurethane reactors are located in the main building, the isocyanates and some

reaction intermediates are stored in a covered bund area next to the plant. Drummed or IBC stocks of polyols and isocyanates are stored at our distribution centre and bought down to the plant on a requirement basis.

**Storage capacities and usage**

| Raw Material | Total Bulk Tank Capacity kg | Estimated Annual Usage kg |
|---|---|---|
| Castor Oil | 33,000 | 350,000 |
| Polyol | 100,000 | 1,200,000 |
| Intermediate | 100,000 | 100,000 |
| Isocyanate | 80,000 | 1,000,000 |

**1.5** Processing a standard batch of Polyurethane adhesive in a reaction vessel can take from a few hours up to several days but typically it's a day per batch of product (5000kg). During this time the reactor is heated, held for reaction and then cooled ready for additions, converting or decanting. The decanting process takes place using LEV and is typically into 1000L IBC's, 200L drums, 20L poly bottles or 6L tins. Reactive hotmelt processes require loading with hot polyol/polyester blends that have been melted out in drum ovens, drying and then reacting using isocyanates. Small amounts of isocyanate are loaded cold into the vessels using 'dead' vacuum directly from a pre-weighed drum. Reaction takes about 1 hour to complete and then after passing QC the batch is decanted into foil bag lined drums, kegs or small foil pouches. The decant takes place under LEV and is typically at about 120°C.

**1.6** Each vessel is then cleaned before a new type of adhesive is produced or if the vessel requires an interim clean out. This is completed by washing the vessel out with solvent (typically Methylene Chloride) using either a cleaning machine or hose with about 200L solvent. The solvent is typically re-used for washout 3 times before it is classed as recycle waste. A major clean is conducted every 5-6 months to remove inert cured material from the vessel using High pressure water jetting.

The waste material is then disposed of using an effluent tanker by the approved contract company.

**Solvent Adhesive Production**

**1.7** Two large ground tanks containing four compartments each capable of storing up to 14,000 litres of solvent presently store the following products although this can change subject to business needs:-

- SBP2 (low hexane aliphatic hydrocarbon)
- Acetone
- Toluene
- Methyl Ethyl ketone
- Dichloromethane
- Ethyl acetate

Each tank is fitted with an electronic gauge and a high level alarm to prevent over filling. Usually there is at least one bulk tanker delivery of solvent to the installation each week. The approximate total quantity of solvents used by the process in a 12 month period is 2700 tonnes. The solvents are pumped into the production building

by means of steel pipe work.

**1.8** Polymers (elastomers and resins) are dissolved in solvent in large mixing vessels. Each of the mixing vessels located in the production building are fitted with water-cooled jackets. The vessels are sealed during the mixing process and are not vented to atmosphere. Water is pumped round the jacket of the vessel during the mixing cycle to keep the contents cool. After a maximum of 16 hours of mixing the contents of the vessel are discharged in to the appropriate sized containers ready for dispatch to customers.

**1.9** The vessels used for solvent adhesive manufacture have to be cleaned out using solvent. This solvent is then used as the solvent for the next batch where possible but if not, recycled.

**1.10** The company has LEV extraction points throughout the installation site and manufacturing area, as well as general high and low level general ventilation systems connected to purposed built extraction systems. The venting of mixing vessels to atmosphere is kept to a minimum throughout the production process.

# Section Two

## Permit Conditions

# Permit Reference No. P09/B20/2025

The conditions contained within this Permit are based upon the requirements of Statutory Guidance – PG6/44(11) (revised June 2014) *Manufacture of Coating Materials* and PG 6/29(12) *Di-isocyanate Processes*

## 1.0 Emissions Limits and Controls

**1.1** All emissions to air, other than condensed water vapour shall be free from droplets and from persistent visible emissions

**1.2** All pollutant concentrations shall be expressed at reference conditions, 273.15K, 101.3kPa, without correction for water vapour content. These reference conditions do not apply to the expression of mass emissions of volatile organic compounds, which do not require adjustment for temperature or pressure.

**1.3** Emission Limits shall apply to VOC and di-isocyanate releases for fugitive emissions and contained sources as detailed in Table 1.

**Table 1 - Emission Limits**

| | **Emission Limits and Fugitive emission Values compliance method** | | **Monitoring** |
|---|---|---|---|
| **VOC in waste gases** | **Emission Limits** | **Fugitive Emission Values** | |
| Organic solvent consumption of 100 tonnes or more and less than 1000 tonnes | 150mg N/$m^3$ | 5% of organic solvent input | Manual extractive testing (annually) |
| Organic solvent consumption of 1000 tonnes or more. | 150mg N/$m^3$ | 3% of organic solvent input | Manual extractive testing (annually) |
| VOC with Hazard Statements H341 or H351 (Risk Phrase R40 or R68) Where the sum of mass flows of all the discharges is equal to or greater than 100g/h | 20mg/$Nm^3$ for the mass sum of the individual components | | Manual extractive testing (annually) |
| Di-isocyanate as total NCO | 0.1mg/Nm3 averaged over any 2-hour period whilst plant is in operation. | N/A | Manual extractive testing(annually) |

*Note – the fugitive emission value does not include solvent sold as part of a coatings mixture in a sealed container*

Annual manual extractive testing for the mass emissions of VOC shall demonstrate that the total emission from the activity expressed as a percentage of the organic solvent input to the activity is equal to or less than the total emission limit value of either 3% or 5% (whichever is appropriate for the total VOC consumption) of the organic solvent input.

Compliance is achieved if the total emission from the activity expressed as a percentage of the organic solvent input to the activity is equal to or less than total emission limit value:-

- Where total emission is equal to the mass of organic solvent released in the waste gases PLUS the fugitive releases.

**Total emission = $0_1$ + Fugitive**

And organic solvent input is equal to the quantity of organic solvents purchased and used in the process plus the quantity of organic solvents recovered and reused as organic solvent input into the process as determined as part of the solvent management plant

**Organic solvent input (I) – $I_1$ + I2**

Compliance with the total emission limit value is achieved if:

$$\frac{\textbf{Total emission}}{\textbf{Organic solvent input}} \textbf{ X 100 = or < Total emission limit value}$$

**1.4** Representative annual testing of VOC emissions shall be carried out to demonstrate compliance with the emission limits in Table 1.

**1.5** Representative annual testing of VOC emissions under Condition 1.6 shall be carried out as follows:

**(i)** at least 20% of all emission points shall be tested annually for compliance with the mass emission limit;

**(ii)** each emission point shall be tested at least once every 5 years;

**(iii)** where the mass emission from an emission point serving a multiple of sources exceeds the aggregate allowed for the number of operational sources emitting via the point then each of the emission sources shall be accounted for to demonstrate the requirements of 2.3 (i) or (ii) are being met.

Explanatory notes to Conditions 1.4 and 1.5

**(i)** mass emission testing shall be undertaken either by calculation, for example - based upon measured mass or volume loss - or, where emissions are vented at source, by measurement of total exhaust volume or flow and volatile organic compound content of emissions;

**(ii)** mass emissions from bulk storage tanks shall be calculated;

**(iii)** where testing of a multiple source emission point shows that the mass emission does not exceed the aggregate of 1 kg in any 8 hour allowance from each connected source, individual sources do not need to be tested;

**(iv)** representative testing of sources which are equivalent in design, usage and emission profiles can be carried out;

**(v)** mass emission testing shall be undertaken under a typical range of operations, including the operating parameter~ likely to cause the maximum volatile organic compound emissions;

**(vi)** mass emission testing shall be undertaken whenever processes are subject to alterations that may cause an increase in mass emissions of volatile organic compounds from any emission source.

**1.6** The "VOC workbook" follows the compliance requirements above and provides suitable methods for determining both the contained and fugitive releases from an installation and may be used as a tool for demonstrating compliance with the Total Emission Limit Value.

**1.7** An inventory of organic solvent consumption, the total mass of organic solvent inputs minus any solvents sent for reuse/recovery off-site shall be kept and forwarded to Tamworth Borough Council annually. The inventory shall be in the form of a mass balance in order to determine the annual actual consumption of organic solvent (C).

**NOTE 1 details definitions for the calculation below.**

Where: $C = I_1 – 08$
$I_1$ Total quantity of organic solvents, or their quantity in preparations purchased which are used as input into the process/activity.

A calculation of the purchased organic solvent Input ($I_1$) to the process/activity, is carried out by recording:

**(i)** The mass of organic solvent contained in raw materials and preparations in the initial stock (IS) at the start of the accounting period; plus

**(ii)** The mass of organic solvent contained in raw materials and preparations in the purchased stock (PS) during the accounting period.

**(iii)** Minus the mass of organic solvent contained in raw materials and preparations in the final stock (FS) at the end of the accounting period.

Total Organic Solvent Input ($I_1$) = IS + PS - FS

**1.8** The operator shall identify:-

- Products or materials that are/contain Hazard Statement H340, H350, H350i, H360D or H360F (risk phrase substances/materials R45, R46, R49, R60 and R61)

- Products or materials that are / contain Halogenated VOCs with the Hazard Statement H341 or H351 (risk phrase R40 or R68)

## 2.0 Monitoring, Sampling and Measurement of Emissions

**2.1** A determination of the organic solvent consumption, the total mass of organic solvent inputs minus any solvents sent for reuse / recovery off site, shall be made and submitted to the local Authority every 12 months in the form of a mass balance preferably to coincide with the operators stock taking requirements. This shall be in order to determine the annual actual consumption of organic solvent.

**2.2** A solvent management plan shall be used to determine the consumption, actual solvent emission, fugitive emission and total emission by using a method such as the British Coatings Federation VOC workbook method. The organic solvent consumption data gathered for condition 2.1 above shall be used to aid its construction. The solvent management plan shall be submitted to the Local Authority every twelve months.

**2.3** Sampling points on new plant should be designed to comply with the British or equivalent standards.

**2.4** The operator should ensure that relevant stacks or ducts are fitted with facilities for sampling which allow compliance with the sampling standards.

**2.5** The process operator shall provide a list of any key abatement plant and should have a written plan for dealing with its failure, in order to minimise any adverse effects.

**2.6** The results of all inspections, tests and periodic monitoring shall be recorded in a log book, retained by the operator for a minimum of 2 years and made available for examination by Tamworth Borough Council. Adverse results shall be investigated immediately and in all cases shall be recorded in the log book. The operator shall ensure that the cause of such adverse results has been identified and corrective action taken, and this action recorded in the log book.

The log book may be in electronic form, provided that a printout verified by a responsible person is provided on request. It is permissible to maintain more than one log book where the process site is large and comprises a number of buildings and / or sub processes.

**2.7** Where emission limit values for VOC are consistently met without the use of abatement equipment, the monitoring requirement for those pollutants shall be reviewed with the Tamworth Borough Council and may be subject to varying the monitoring frequency.

## 3.0 Operational Controls

**3.1** All potentially odorous waste materials shall be stored in suitable closed containers or bulk storage vessels, where appropriate vented to suitable abatement plant.

**3.2** The bulk solvent storage tanks shall only be refilled under constant supervision by suitably trained personnel. Off loading shall only take place when effective back venting of displaced vapour between the tank and tanker is ensured.

**3.3** The exterior of outdoor bulk storage tanks for organic solvents should be light coloured.

**3.4** All new static bulk organic solvent storage tanks containing organic solvent with a composite vapour pressure that is likely to exceed 0.4kPa at 20°C (293K) should be fitted with pressure vacuum relief valves. Pressure vacuum relief valves should be examined at regular intervals for signs of contamination, incorrect seating and be cleaned and/or corrected as required. The normal minimum examination frequency should be once every six months, but less frequent examination may be justified having regard for the tank contents and the potential emissions as a result of valve failure.

**3.5** All fixed storage tanks should be fitted with high-level alarms or volume indicators to warn of overfilling. Where practicable the filling systems should be interlocked to the alarm system to prevent overfilling.

**3.6** Bunding should:

- completely surround the bulk liquid storage tanks;
- be impervious and resistant to the liquids in storage; and
- be capable of holding 110% of the capacity of the largest storage tank.

Delivery connections to solvent bulk storage tanks shall be located within the bunded area marked "unloading equipment / area" on the attached plan marked **P09/Plan** and shall be locked when not in use.

**3.8** In the event of such an emergency the operator shall notify Tamworth Borough Council immediately, and shall take the necessary remedial action. The incident, including the remedial action taken shall be recorded in the site logbook outlined in condition 2.4.

**3.9** All process vessels shall be fully enclosed when blending / mixing to minimise VOC emissions, the exception being when charging, or sampling when the vessel portholes are opened.

**3.10** Emissions from the emptying of mixing vessels and transfer of materials from bulk storage shall where possible be contained by the use of closed transfer systems.

**3.11** All other Solvents shall be stored on site in sealed drums, within the site's flammable material storage area. This shall also apply to containers containing waste solvent.

**3.12** All organic solvents used in the process shall be delivered to the batch mixing area either by direct delivery or transfer in sealed drums using fork-lift trucks.

**3.13** The dispensing of cleaning solvents shall be from a contained device when applied directly (in the case of fixed manufacturing equipment) or dispensed by piston type dispenser or similar contained device when used to clean non-static equipment such as filters and piping.

**3.14** Where equipment is cleaned off-line, cleaning shall be carried out where possible using enclosed cleaning systems. These shall be sealed to prevent emissions whilst in operation, except during purging at the end of the cleaning cycle.

**3.15** During the cleaning of all mixing vessels with organic solvents the vessels shall remain closed and shall not be extracted to atmosphere (clean in place system).

**3.16** Cleaning operations involving organic solvents shall be reviewed at least one every two years, to identify opportunities for reducing volatile organic compound emissions. The results of the review shall be submitted to the local authority in writing within 8 weeks of it taking place.

**3.17** The amount of residual organic solvent bearing material left in drums and other containers shall be minimised. Prior to disposal, empty containers and drums that have contained organic solvents shall be closed to minimise emissions.

**3.18** Suitable organic solvent containment and spillage equipment shall be readily available in all organic solvent handling areas.

**3.19** Any spillage of solvent from drums or direct line delivery shall be cleaned up as soon as practicable utilising foam and vacuum methods. Any leakage from delivery lines shall be repaired as soon as possible.

**3.20** Prior to disposal, empty drums and containers contaminated with organic solvent should be closed to minimise emissions from residues during storage prior to disposal and labelled, so that all personnel who handle them are aware of their contents and hazardous properties.

**3.21** Nominally empty drums or drums containing waste contaminated with VOC awaiting disposal should be stored in accordance with the requirements for full or new containers.

**3.22** Prior to disposal, used wipes and other items contaminated with organic solvent shall be placed in suitably labelled metal bins that are fitted with self-closing lids.

**3.23** The pressure vacuum relief valve serving the bulk VOC storage tanks shall be inspected, cleaned and maintained as required at least once every 12 months.

## 4.0 Stacks, ducts and process vents

**4.1** The efflux velocity of gases discharged through any stack or duct shall be adequate to ensure the dispersal of pollutants from the stack.

**4.2** All process ductwork shall be inspected for wear, damage and leakage every 12 months. Inspection records shall be kept for a minimum of 2 years and shall detail the location of the ductwork inspected, any fault noted and the remedial action taken. The records shall be made available to the Local Authority Inspector on request.

**4.3** Flues and ductwork shall be cleaned to prevent accumulation of materials, as part of the routine maintenance programme.

## 5.0 Management

**5.1** An environmental management system shall be designed and implemented which, at the very least, shall ensure that the requirements of this Permit are managed in the day to day running of the process.

**5.2** The operator shall undertake regular cleaning and preventative maintenance including inspection and repair/replacement on all plant and equipment concerned with the emission, capture, transport and control of emissions to atmosphere. A written maintenance programme shall be developed and implemented. Records of preventative maintenance including inspections and any works undertaken shall be kept on site and made available to the local authority inspector on request.

**5.3** Spares and consumables for plant and equipment used in the installation in particular that subject to continual use or wear shall be held on site or shall be available at short notice. Such plant or equipment shall not be used unless that plant or equipment is capable of working in accordance with the conditions of this permit.

**5.4** All staff whose functions could impact on air emissions from the activity should receive appropriate training on those functions. This should include:

- awareness of their responsibilities under the permit;
- steps that are necessary to minimise emissions during start-up and shutdown;
- actions to take when there are abnormal conditions, or accidents or spillages that could, if not controlled, result in emissions.

**5.5** The operator should maintain a statement of training requirements for each post with the above mentioned functions and keep a record of the training received by each person. These documents should be made available to the regulator on request.

**5.6** Any malfunction of plant or spillage of solvent-based materials shall be remedied as soon as possible and process operations altered whilst the necessary work is undertaken.

**5.7** Any incident likely to give rise to adverse atmospheric emissions or emissions that may have an impact on the local community shall be notified to the local authority immediately, and the details of incident including remedial action taken recorded in the process log book.

**5.8** In cases of non-compliance causing immediate danger to human health, operation of the activity shall be suspended. All of the following criteria shall be taken into account:

- The toxicity and amount of the substances being released
- The location of the installation; and
- The sensitivity of the receptors

**5.9** The operator shall make available on demand and without charge any of the records required to be kept by this permit.

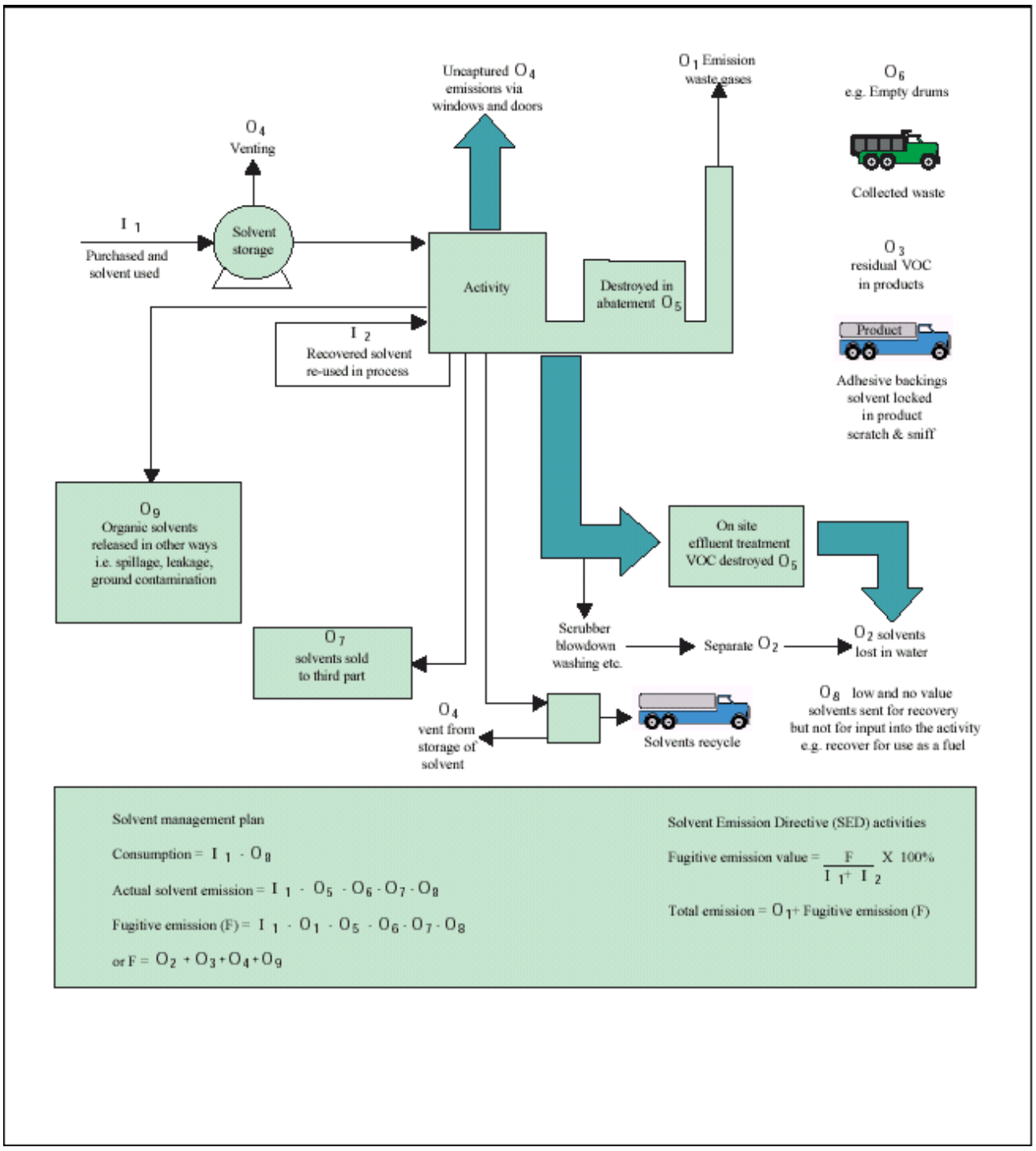
**5.10** A high standard of house keeping shall be maintained.

**5.11** A copy of this Permit shall be kept on the premises.

**5.12** The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.

**5.13** If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition „change in operation" means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

# NOTE 1 Solvent Management Plan Inputs and Outputs



## EXPLANATORY NOTES FOR SOLVENT MANAGEMENT PLAN

### Definitions

The following definitions provide a framework for the mass balance calculations used in determining compliance.

Inputs of organic solvent in the time frame over which the mass balance is being calculations (I).

$I_1$ The quantity of organic solvents, or their quantity in raw materials and preparations purchased which are used as input into the process / activity (including organic solvents used in the cleaning of equipment, but not those used for the cleaning of the products).

$I_2$ The quantity of organic solvents or their quantity in raw materials and preparations recovered and reused as solvent input into the process / activity. (The recycled solvent is counted every time it is used to carry out the activity.)

Outputs of organic solvents in the time frame over which the mass balance is being calculated (O).

$O_1$ Emissions in waste gases.

$O_2$ Organic solvents lost in water, if appropriate taking into account waste water treatment when calculating $O_5$.

$O_3$ The quantity of organic solvents which remains as contamination or residue in products output from the process / activity.

For installations covered by this note $O_3$ does not include organic solvent sold as part of a preparation in sealed containers.

$O_4$ Uncaptured emissions of organic solvents to air. This includes the general ventilation of rooms, where air is released to the outside environment via windows, doors, vents and similar openings.

$O_5$ Organic solvents and / or organic compounds lost due to chemical or physical reactions, (including for example those which are destroyed, eg - by thermal oxidation or other waste gas or waste water treatments, or captured, eg - by adsorption, as long as they are not counted under $O_6$, $O_7$, or $O_8$).

$O_6$ Organic solvents contained in collected waste.

$O_7$ Organic solvents, or organic solvents contained in preparations, which are sold or are intended to be sold as a commercially valuable product.

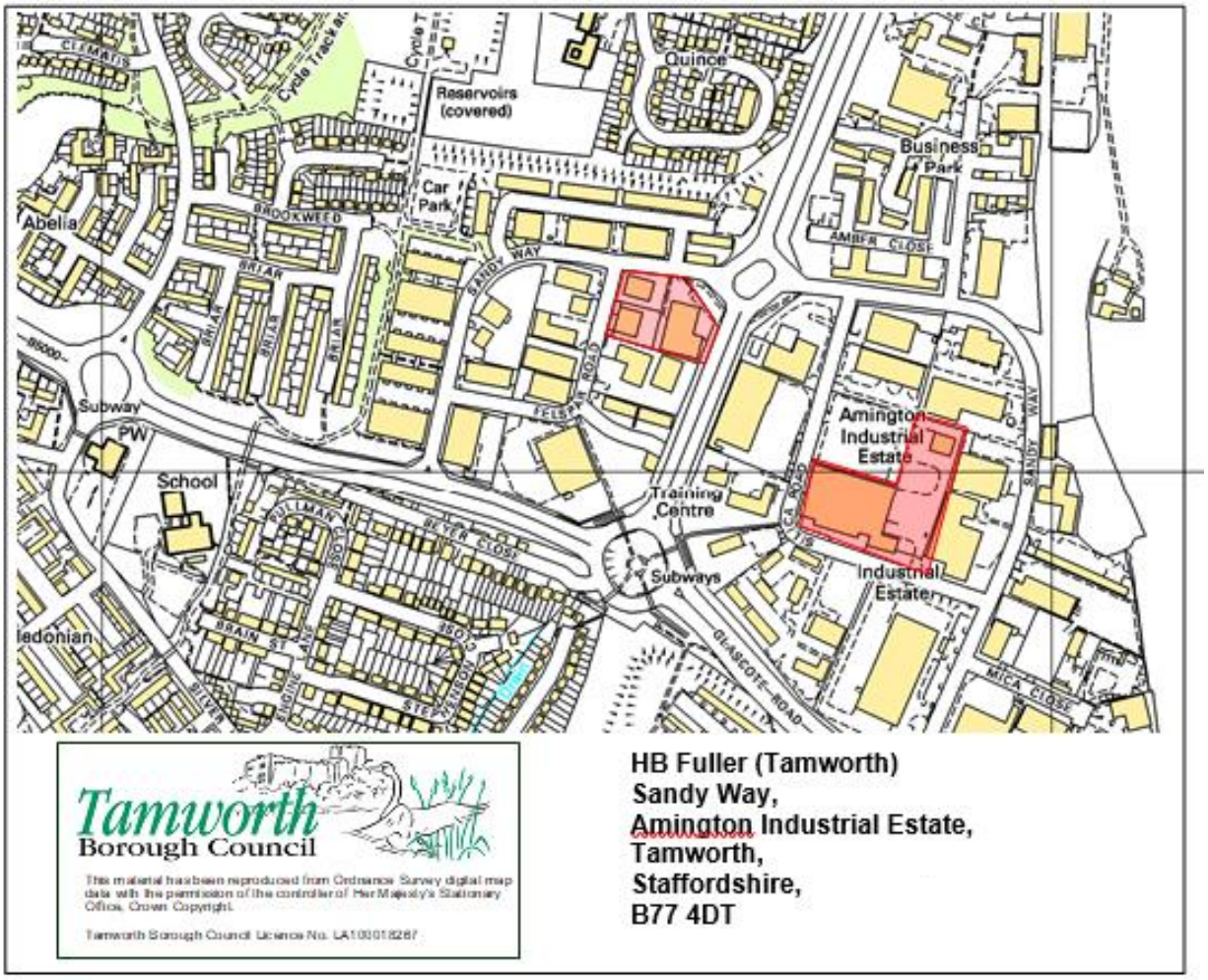
$O_8$ Organic solvents contained in preparations recovered for reuse but not as input into the process / activity, as long as not counted under $O_7$.

$O_9$ Organic solvents released in other ways.

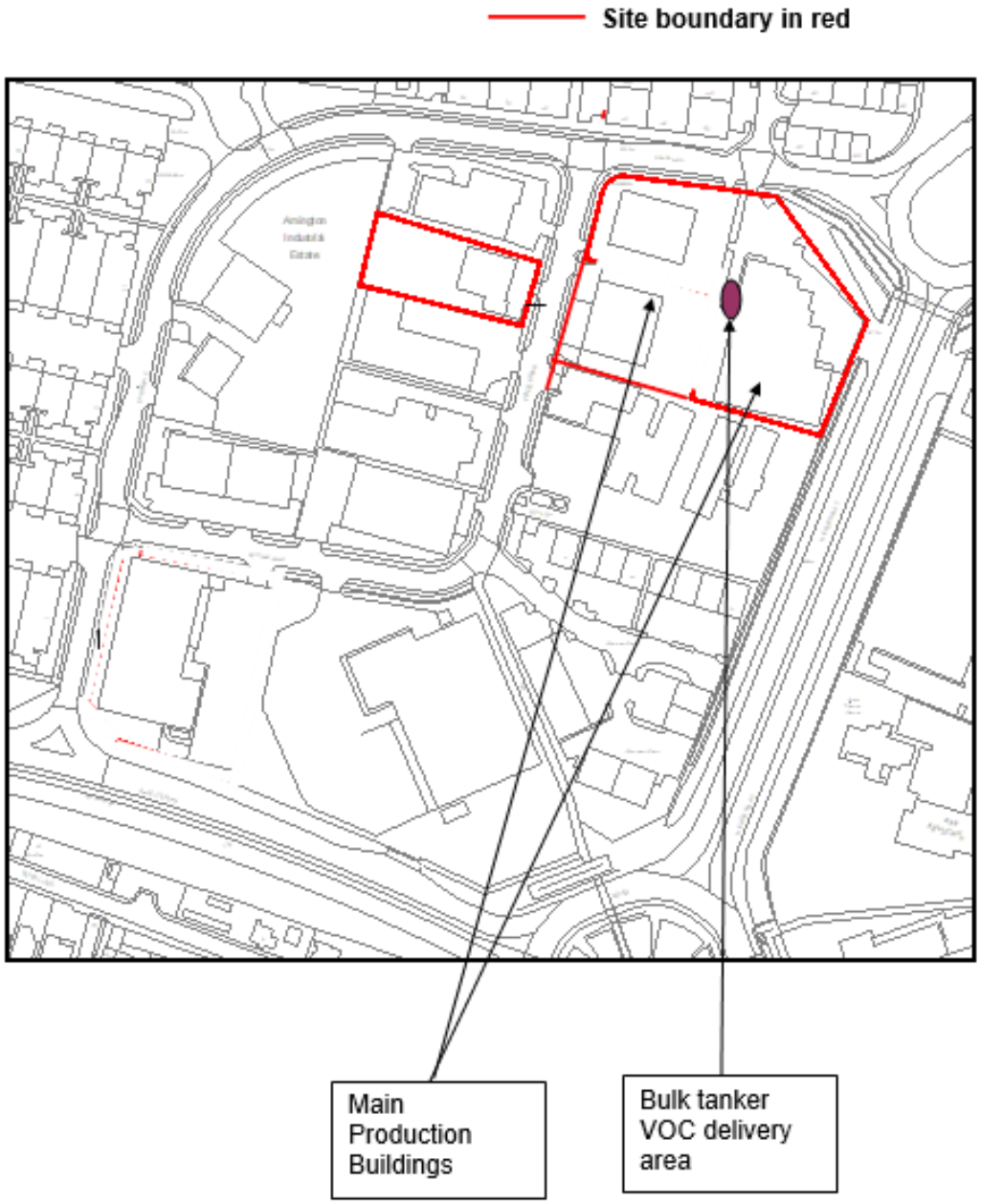
# Section Three

## Location of Permitted Installation and Site Plan

# Site Location Map P09/Map



# Site Plan P09/Plan



# Section Four

## Explanatory Notes
## And
## Appeals Procedure

**Tamworth Borough Council**
**The Pollution Prevention Control Act 1999**
**The Environmental Permitting (England & Wales) Regulations 2016**

## EXPLANATORY NOTES AND GUIDANCE

***These notes are provided for the operator of an installation or mobile plant to assist in the interpretation of their duties under the provisions of the above-mentioned legislation, with particular reference to the permit issued by Tamworth Borough Council. These notes do not form part of the Permit or conditions attached to it.***

### 1. PENALTY FOR NON-COMPLIANCE WITH PERMIT CONDITIONS

It is an offence to contravene a condition contained in an environmental permit. In accordance with the Environmental Permitting Regulations, such offences are punishable in the Magistrates' court by a maximum fine of £50,000 and/or 12 months' imprisonment and in the Crown Court by a maximum unlimited fine and or up to fine years imprisonment.

### 2. RESIDUAL BAT CONDITION (BEST AVAILABLE TECHNIQUES)

You should note that a fundamental principle of the LAPPC regime is the application controlling pollution by using the "Best Available Techniques". The BAT approach requires that the cost of applying techniques is not excessive in relation to the environmental protection they provide.

**Article 2(11) of the IPPC Directive** defines —best available techniques as follows:

'**Best available techniques**' shall mean the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.

- "**techniques"** shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned,

- "**available"** techniques shall mean those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator, **"best"** shall mean most effective in achieving a high general level of protection of the environment as a whole.

### 3 STATUTORY REQUIREMENTS

This Permit is issued under regulation 13 of the EP Regs and does not detract from any of the following statutory requirements where applicable:-

a. The requirement to obtain Planning Permission for the installation and any new construction.

b. The requirement to obtain discharge consent from the Environment agency.
c. The requirement to obtain Building Regulation approval for any construction work.
d. The requirement of a Waste Disposal Licence.
e. The requirement to comply with the Health and Safety at Work etc Act 1974.

## 4 PUBLIC REGISTER

The Council is required by regulation 46 to maintain a Public Register containing information on all LAPPC installations and mobile plant. The register is available for inspection by the public free of charge during office hours (Monday to Friday 9.00am to 5.00pm) at

**Tamworth Borough Council,**
**Environmental Protection**
**Marmion House**
**Lichfield Street**
**Tamworth**
**Staffs**
**B79 7BZ**

Subject to exclusions of commercially confidential information and information affecting national security, registers will contain the following:

a. Applications for a permit;
b. Notices asking for information and responses to such;
c. Advertisements and representations in response to such (unless requested not to by the person responding)
d. In the case of c) above, a statement to the effect that representations were made but have been omitted – must not identify the person making the representation;
e. Statutory consultee responses to applications or applications for variations;
f. Permits;
g. Notifications of changes in the operation of installations;
h. Applications for variations, transfers or surrenders of permits;
i. Variations, transfers and surrenders granted;
j. Revocations;
k. Enforcement or suspension notices;
l. Notices withdrawing enforcement and suspension notices;
m. notice of an appeal including the grounds of the appeal, relevant correspondence between the appellant and the regulator, and the decision/notice which is the subject of the appeal;
n. Representations in response to appeal (unless requested not to by the person responding);
o. In the case of n) above, a statement to the effect that representation were made but have been omitted – must not identify the person making the representations;
p. The appeal decision and any accompanying report;
q. Convictions, formal cautions; to include the name of the person, date of conviction/caution, and (where appropriate) penalty and name of court. This requirement does not override the Rehabilitation of Offenders Act 1974 regarding spent conditions, and authorities must take care to remove relevant entries at the appropriate time;
r. Monitoring data obtained by the authority from its own monitoring, or sent to the authority on accordance with a permit condition or regulation 60(2) notice;

s. If any monitoring information is omitted because it is commercially confidential, the authority must put a statement on the register indicating whether relevant permit conditions are being complied with, based on the withheld information;

**Commercial 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 commercially 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 amount of information excluded from the register should be kept to the minimum necessary to safeguard the operator's commercial advantage.

The general principle is that information should be freely available to the public. Information that maybe considered commercially confidential is that which if it "were being contained within the register would prejudice to an unreasonable degree the commercial interests of an individual or any other person" (regulation 51(2) of the 2016 Regulations). Local authorities will also take into account whether the information at issue could be obtained or inferred from other publicly accessible sources.
The local authority will determine this request within 28 days of the date of such an application and will issue a Determination Notice detailing their decision. The notice may specify a time period over which the information is to remain commercially confidential (if not specified, it will be four years beginning with the date of the determination). The operator may appeal to the Secretary of State within 21 days of the notification of the decision.

If the application is granted the local authority will place a statement on the public register stating that certain information has been withheld and stating the reasons why, plus whether this information is relevant to a permit condition, and whether the permit condition has been complied with.

Further guidance on commercial confidentiality can be found in Chapter 8 of the LA-IPPC and LAPPC manual.

**National Security**

Information may be excluded from the public register on the grounds of National Security (Regulation 47(1). 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, 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 has decided the matter.

## 5 FEES

In accordance with regulation 66(1)c of the EP Regs, the holder of a permit is required to pay a fee for the subsistence of the Permit. This fee is payable annually on 1st April. You are advised that under the provisions of regulation 66(5) of the EP Regs, if you fail to pay the fee due promptly, the Council may revoke the Permit. The will normally send an invoice for the relevant amount which is determined by the Government each year.

## 6 TRANSFER OF PERMITS

Under the provisions of regulation 21 of the EP Regs, where you wish to transfer the Permit to another person (the proposed transferee) then the operator and the proposed transferee shall jointly make an application to the Council. The council will determine the transfer application within 2 months. A fee is also available. For further details on this please contact the Council.

## 7 SURRENDER OF PERMITS

Under the provisions of regulation 24 of the EPR, where you wish to surrender the Permit in whole or in part then you are required to notify the Council in writing. A formal Surrender Application Form is available upon request. For further details on this please contact the Council

## 8 PROCESS CHANGES

You are required to notify the Council of any proposed change in operation at least 14 days before making the change. This must be in writing and must contain a full description of the proposed change in operation and the likely consequences.

If the change could result in the breach of the existing permit conditions or is likely to require the variation of permit conditions then you must apply in writing under Regulation 20(1), or involves a SUBSTANTIAL CHANGE to the installation you will be required to submit an application, pay the relevant fee and advertise the application accordingly. You should notify the Council 28 days before undertaking such changes in the installation operation. You may serve a Notice on the Council requesting that they determine whether any change, which is proposed, would constitute a substantial change before you proceed with application.

## 9 APPEALS

Under Regulation 31(1)c of the 2016 Regulations operators have the right of appeal to the Secretary of State against the conditions attached to their permit. The rights to appeal do not apply where the decision or notice implements a direction given by the Secretary of State or Welsh Ministers. There is also no right of appeal if a revocation notice has been served for non-payment of subsistence fees (EP Regulation 31(3)).
Appeals against a variation notices, enforcement notices and suspension notices 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. However, appeals against revocation notices suspend the operation of the notices coming into effect until the appeal is decided or withdrawn.

Notice of appeal against the conditions attached to the permit must be given within six months of the date of the notice, which is the subject matter or the appeal. The Secretary of State 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.

If you are considering lodging an appeal against the Conditions of this Permit it may be advantageous for you to contact the Environmental Health Section of the Council prior to doing so. It may be possible to resolve any misunderstanding or misinterpretation of the authorisation requirements and make the need for an appeal unnecessary.
Notwithstanding this suggestion the deadline for lodging your appeal cannot be set back or

deferred while any such consultation is taking place.

**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 (see Schedule 6 of the 2016 Regulations, paragraph (2)2):
written notice of the appeal;
a statement of the grounds of appeal;
a statement indicating whether the appellant wishes the appeal to be dealt with by written representations procedure or a hearing - a hearing must be held if either the appellant or enforcing authority requests this, or if the Planning Inspector or the Secretary of State decides to hold one.
(appellants must copy the above three items to the local authority when the appeal is made)

- a copy of any relevant application;
- a copy of any relevant permit;
- a copy of any relevant correspondence between the appellant and the regulator; and
- a copy of any decision or notice, which is the subject matter of the appeal.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for commercial confidentiality under regulation 49 of the 2016 Regulations, and provide relevant details. Unless such information is provided all documents submitted will be open to inspection. Further guidance on commercial confidentiality can be found in chapter 8 of the LA-IPPC and LAPPC manual.
Where to send your appeal documents:
Appeals should be despatched on the day they are dated, and addressed to:

**The Planning Inspectorate**
**Environmental Appeals Administration**
**Room 4/04 - Kite Wing**
**Temple Quay House**
**2 The Square**
**Temple Quay**
**Bristol BS1 6PN**

On receipt of an appeal and during the appeal process the main parties will be 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**

Guidance from the Planning Inspectorate states that operator and regulator would be normally expected to pay their own expenses during an appeal. Where a hearing or enquiry is held as part of the appeal process, by virtue of Paragraph 5(6) of schedule 6 of the 2016 Regulations, either the appellant or the local 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.

## 10 SECRETARY OF STATES GUIDANCE

This permit is covered by the relevant Secretary of State's Guidance:

The relevant Process Guidance note for your sector and details of the legislation and General Guidance Manual can be obtained from the following web links

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|---|
| **PG Secretary of State's Guidance**<br><br>The relevant Process Guidance Note for your process is PG 6/44(11)<br><br>*http://webarchive.nationalarchives.gov.uk/20141106091809/http:/www.defra.gov.uk/industrial-emissions/files/6_44-Final-June-2014.pdf*<br><br>and PG 6/29(12)<br><br>*http://webarchive.nationalarchives.gov.uk/20130123162800/http:/archive.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/notes/pgnotes/documents/minpg6-29-12.pdf* |
| **Pollution Prevention and Control Act 1999**<br><br>*http://www.legislation.gov.uk/ukpga/1999/24/contents* |
| **The Environmental Permitting (England and Wales) Regulations 2016**<br><br>*http://www.legislation.gov.uk/uksi/2016/1154/pdfs/uksi_20161154_en.pdf* |
| **General Guidance Manual on Policy and Procedures for A2 and B Installations**<br><br>*https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211863/env-permitting-general-guidance-a.pdf* |

## 11 REPORTING REQUIREMENTS AND CONTACT DETAILS

Where a Permit condition imposes a requirement to forward documents to the Local Authority or to report a specified occurrence the following postal/e-mail address and telephone number shall be used:

**By Post**

**Tamworth Borough Council,**
**Environmental Protection**
**Marmion House**
**Lichfield Street**
**Tamworth**
**Staffs**
**B79 7BZ**

**By Telephone**

During office hours:- 01827 709445
Email:- environmentalmanagement@tamworth.gov.uk