

# INSTALLATION PERMIT

Ref. EP2008/04



**Pollution  
Prevention and  
Control Act 1999**

**Environmental  
Permitting  
(England &  
Wales)  
Regulations 2016**

**Breedon Northern Ltd  
Tofts Farm Industrial Estate  
Concrete Plant  
Tofts Road West  
Brenda Road  
Hartlepool  
TS25 2BQ**



**HARTLEPOOL BOROUGH COUNCIL**



**THE POLLUTION PREVENTION AND CONTROL ACT 1999**

**ENVIRONMENTAL PERMITTING (ENGLAND AND WALES)**  
**REGULATIONS 2016**

<b>Provenance</b>	<b>Date</b>
Application for Authorisation (EPA 90)	01 <sup>st</sup> April 2003
Authorisation issued	26 <sup>th</sup> March 2004
PPC Permit transferred automatically to EP Permit	6 <sup>th</sup> April 2008
EP Permit updated to change company name and conform with new simplified permit format.	4 <sup>th</sup> June 2014
EP Permit transfer to change company name	3 <sup>rd</sup> February 2015
EP Permit transfer to change company name	2 <sup>nd</sup> March 2018

**Permit Reference No: EP2008/04**

Breedon Northern Ltd, Ethiebeaton Quarry, Kingennie, Monifieth, Angus, DD5 3RB is hereby permitted to carry out an installation in accordance with the following conditions.

**Address of Permitted Activity**

Breedon Northern Ltd.  
Tofts Farm Industrial Estate Concrete Plant  
Tofts Road West  
Brenda Road  
Hartlepool

**Signed on behalf of Hartlepool Borough Council**



2<sup>nd</sup> March 2018

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**Date**.....

**Tony Hanson**  
**Assistant Director**  
**Environment and Neighbourhood Services Department**  
**An authorised officer of the Council**

**Description of Permitted Activity**

The process involves the storage of coarse and fine aggregates, cementitious materials and their blending with water in the production of ready mixed concrete. This falls within the definition contained in Part B of Section 3.1 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2016

**Conditions**

**Emissions and monitoring**

1. No visible particulate matter shall be emitted beyond the installation boundary.
2. The emission requirements and methods and frequency of monitoring set out in Table 1 shall be complied with. Sampling shall be representative.

Any monitoring display required for compliance with the permit shall be visible to operating staff at all times. Corrective action shall be taken immediately if any periodic monitoring result exceeds a limit in Table 1, or if there is a malfunction or breakdown of any equipment which might increase emissions. Monitoring shall be undertaken or repeated as soon as possible thereafter and a brief record shall be kept of the main actions taken.

3. All plant and equipment capable of causing, or preventing, emissions and all monitoring devices shall be calibrated and maintained in accordance with the manufacturer's instructions. Records shall be kept of such maintenance.

**Silos**

4. Bulk cement shall only be stored within the bulk cement silos.

5. Dust emissions from loading or unloading road tankers shall be minimised by backventing to a delivery tanker fitted with an on-board, truck-mounted relief valve and filtration system and by connecting transfer lines first to the delivery inlet point and then to the tanker discharge point, and by ensuring delivery is at a rate which does not pressurise the silo.
6. Silos and bulk containers of dusty materials shall not be overfilled and there shall be an overfilling alarm.
7. When loading silos deliveries must automatically stop where overfilling or over-pressurisation is identified.
8. Displaced air from pneumatic transfer shall pass through abatement plant prior to emission to air.

#### **Aggregates delivery and storage**

9. Dusty materials (including dusty wastes) shall only be stored in the hoppers, bays and silos onsite as detailed on the plan attached to this permit and shall be subject to suppression and management techniques to minimise dust emissions.

#### **Belt conveying**

10. All dusty materials, including wastes, shall be conveyed using suitably enclosed conveyors. All transfer points shall be fitted with skirts, chutes, spray bars or other suitable dust arrestment equipment.

#### **Loading, unloading and transport**

11. No potentially dusty materials (including wastes) or finished products shall arrive on or leave the site other than by use of cement wagons.

#### **Roadways and transportation**

12. All areas where there is regular movement of vehicles shall have a consolidated surface capable of being cleaned, and these surfaces shall be kept clean and in good repair.
13. Vehicles shall not track material from the site onto the highway.

#### **Techniques to control fugitive emissions**

14. The fabric of process buildings shall be maintained so as to minimise visible dust emissions.

### **Records and training**

15. Written or computer records of all tests and monitoring shall be kept by the operator for at least 24 months. They and a copy of all manufacturers' instructions referred to in this permit shall be made available for examination by the regulator. Records shall be kept of operator inspections, including those for visible emissions.
16. Staff at all levels shall receive the necessary training and instruction to enable them to comply with the conditions of this permit. Records shall be kept of relevant training undertaken.

### **Best available techniques**

17. 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.
18. 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.

**Table 1 - Emission limits, monitoring and related provisions**

Row	Substance	Source	Emission limits/provisions	Type of monitoring	Monitoring frequency
1	Particulate matter	Whole Process	No visible airborne emission to cross the site boundary where harm or nuisance may be caused	Operator observations	At least daily
		Silo inlets and outlets	Designed to emit less than 10mg/m <sup>3</sup>	Operator observations	At time of delivery
		Silo inlets and outlets	No visible emission		

Only emissions to atmosphere are required to comply with the emission limits within this table.

- Notes:
- \*All periodic monitoring results shall be checked by the operator on receipt and sent to the Council within 8 weeks of the monitoring being undertaken.\*
  - a) The reference conditions for limits in Table 1 are: 273.1K, 101.3kPa, without correction for water vapour content, unless stated otherwise.
  - b) All periodic monitoring shall be representative, and shall use standard methods.
  - c) The emission limits do not apply during start-up and shut down. All emissions shall be kept to a minimum during these periods.

**Signed on behalf of Hartlepool Borough Council**



2<sup>nd</sup> March 2018

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**Date**.....

**Tony Hanson**  
**Assistant Director Environment and**  
**Neighbourhood Services Department**  
**An authorised officer of the Council**

Hartlepool Borough Council

***The Pollution Prevention Control Act 1999***

Environmental Permitting (England & Wales) Regulations 2016

**EXPLANATORY NOTE**

***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 Hartlepool Borough Council. These notes do not form part of the Permit unless within the conditions attached to it.***

**1. BAT CONDITION**

Article 2(10) of the Industrial Emissions 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, to reduce emissions and the impact on the environment as a whole.

- **BEST** shall mean most effective in achieving a high general level of protection of the environment as a whole.
- **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,
- **TECHNIQUES** shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.



The installation and mobile plant should be operated such that -

(a) all the appropriate preventative measures are taken against pollution, in particular through application of the best available techniques; and

(b) no significant pollution is caused.

In relation to the Permit you should be aware that, amongst other aspects of the installation operation and management, this residual duty will apply to:-

- the control of emissions to ensure that offensive odours are not caused beyond the installation boundary,
- maintenance, service and repair of equipment,
- keeping of spares and consumables,
- the training of installation operators, and supervision of workers
- management of the installation in relation to maintenance of a high standard of housekeeping.

## **2. STATUTORY REQUIREMENTS**

This Permit 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.

## **3. PUBLIC REGISTER**

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

**Hartlepool Borough Council,  
Environment and Neighbourhood Services Department  
Public Protection  
Victoria Road  
Civic Centre  
Hartlepool  
TS25 8AY**

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 28(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. An operator may request certain information in relation to a permit to remain confidential, i.e. not be placed on the public register. The onus is on the operator to provide a clear justification for each item he or she wishes to be kept from the register. EP regulation 45 defines 'commercial information' as "information that is commercially or industrially confidential in relation to any person".

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 the DEFRA general manual.

### **National Security**

EP regulation 47 allows for information to be kept from public registers for reasons of national security. For this to happen, the Secretary of State/Welsh Ministers must determine that placing the information on the register would be contrary to the interests of national security. An operator who believes any information meets this test may apply to the Secretary of State/Welsh Ministers.

The operator must notify the local authority that he or she has asked for this determination, but must not exclude the information from any submission to the authority, such as a permit application. The Secretary of State/Welsh Ministers may direct the authority on what information, if any, to exclude from the register.

Any such applications must be made to either:

Secretary of State for Environment,  
Food and Rural Affairs  
Nobel House  
17 Smith Square  
LONDON  
SW1P 3JR

and should be marked "application under the Environmental Permitting Regulations".

#### **4. UPGRADING PROGRAMMES**

The following information does not comprise part of the Permit, but contains guidance, which should be noted when considering the upgrading programme.

##### **Aim of Upgrading Programme**

To identify the areas where the existing installation does not meet the required standards ("new process" standards), as detailed in the relevant Secretary of State's Process Guidance Note, the steps to be taken to meet these standards, and the time-table of dates by which these steps are to be implemented. (You are advised to refer to the Department of Environment, General Guidance Note 4 - Interpretation of terms used in Process Guidance Notes (available from H.M. Stationery Office)).

##### **Content of Upgrading Programme**

There is not a specified format for an upgrading programme but, wherever possible, it should identify reasonably precise actions to be taken and the dates on which these actions will be instigated. If abatement plant is to be installed technical specifications and schematic drawings along with operational procedures should be detailing in the upgrading plan.

##### **Council Action upon receipt of Upgrading Programmes**

It is an offence not to submit the upgrading programme by the date specified in the Permit.

The Council will assess the adequacy of the submission and if satisfied with the content, will place it on the Public Register (operators may apply for matters which are considered to be commercially confidential to be excluded from the Register).

The Council will bring the upgrading programme within the terms of the Permit by issuing a Variation Notice to add the programme as a condition to the initial Permit. This will ensure that commitments given are made into enforceable conditions (this may not preclude changes to the programme where there are sound reasons for such a change).

#### **5. FEES**

(EP regulation 65).

Operators must pay an annual subsistence charge to cover local authorities' continuing regulatory costs once a permit has been issued. It will cover such things as checking monitoring data or carrying out inspections. The level of subsistence charge is contained in the relevant charging scheme and will become due on 1st April each year. The operator is liable for the full subsistence charge for the year of operation. You are advised that if you fail to pay the fee due promptly, the Council may revoke the Permit.

The risk-based charging scheme was introduced in 2006/7 for all standard activities. The risk-based method applies a low, medium or high risk rating to activities operating at an installation. The resulting subsistence fees are proportionate to the

risk rating. This risk-assessment method uses a “point scoring” approach which combines the indicative environmental impact assessment (EIA) of the activity itself and the Operator Performance Assessment (OPA) covering the operational aspects of the installation. This is outlined in the Risk-Based Inspection Methodology which is available on the DEFRA web pages

## **6. TRANSFER OF PERMITS**

Installations may change hands through normal business transactions. EP regulation 21 therefore allows for permit transfers either for the whole installation, or for one or more parts of it through partial transfer arrangements. New operators should have the appropriate management systems and the competence to run installations properly in compliance with the conditions of the existing permits.

When an operator wants to transfer all or part of a permit to someone else, he/she and the proposed transferee must make a joint application and also pay a fee. They must both sign the application form. The joint application should contain their telephone numbers and addresses plus any additional correspondence address. The application should be accompanied by the current permit document and must include the appropriate transfer fee.

## **7. PROCESS VARIATIONS**

A local authority may decide that the existing permit conditions require amendment without receiving any notification or application from the operator (EP regulation 20(1)). This is most likely to occur when the authority decides that the conditions need varying having conducted a periodic review in accordance with EP regulation 34, or in the light of revised guidance from Defra/WAG, or because of the transfer of a permit to another operator. Other instances could be the revision of a relevant environmental quality standard, the declaration of an area as an air quality management area, or a requirement from the Environment Agency to revise a water-related condition.

If there is no such condition included in their permit, operators should be aware that there are risks to them should they fail to notify the relevant local authority of a change. The risks are that the authority decides that the change means that the operator is either carrying on the activity beyond the extent authorised by the existing permit, or is doing so in contravention of an existing permit condition. Both are offences under EP regulation 38. On the positive side, some changes could result in a lowering (as well as, potentially, raising) of an installation’s risk rating. These could include alterations to management or training practices, or technical changes such as the use of less toxic chemicals.

Many changes will not have consequences for the environment and notification will be unnecessary; although there may be cases where it is nonetheless good practice for an operator to do so in order to keep the authority informed. It is also good practice to notify authorities of any administrative changes, such as the name or address of the operator (where the installation has not changed ownership), and authorities can simply amend the permit without going through any formal procedures.

The Industrial Emissions Directive definition of 'substantial change', which is incorporated by the EP Regulations, is "a change in the nature or functioning, or an extension, of an installation or combustion plant, waste incineration plant or waste co-incineration plant which may have significant negative effects on human health or the environment;". For installations subject to the Industrial Emissions Directive, further criteria may be relevant.

If an operator has any doubt over whether a particular change is substantial, he/she should ask the opinion of the relevant local authority.

## **8. APPEALS**

Under EP regulation 31 operators have the right of appeal against the enforcing authority in the following circumstances:

- 1 refusal or deemed refusal to grant a permit;
- 2 refusal of an application to vary a permit;
- 3 if the operator disagrees with the conditions imposed by the authority as a result of a permit application or an application for a variation notice;
- 4 refusal of an application to transfer a permit, or if the operator disagrees with the conditions imposed by the authority to take account of such a transfer;
- 5 refusal of an application to surrender a permit, or if the operator disagrees with the conditions imposed by the authority to take account of the surrender;
- 6 the service of a variation notice (not following an application by the operator), a revocation notice, an enforcement notice, or a suspension notice on the operator;
- 7 the deemed withdrawal by a local authority of a duly-made application because the operator has not provided further information (paragraph 4 of Schedule 5 to the EP Regulations).

Under EP regulation 53(1) operator has the right of appeal against a decision that information will not be withheld from the public register for reasons of commercial confidentiality.

The rights to appeal listed in 1-6 above 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 under 3-6 above do not stop the conditions coming into effect. Appeals against variation, enforcement and suspension notices do not stop the notices coming into effect. 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 of 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.

## How to appeal

There are no charges for appealing and there is no statutory requirement to submit an appeal form. However, an appeal form has been prepared and is available for use at <http://www.planning-inspectorate.gov.uk/pins/environment/environment/index.htm>. For an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide all of the following (see EP Regulations Schedule 6, 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 at a hearing - a hearing must be held if either the appellant or local authority requests this, or an appointed person or the Secretary of State/Welsh Ministers decide 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
- 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 EP regulation 49 and provide relevant details. 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 & Specialist Casework  
Room 4/04 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
Tel: 0117 372 8726  
Fax: 0117 372 8139**

On receipt of an appeal and during the appeal process both main parties will be informed by the Inspectorate about the next steps, which will explain the procedures and submission timetable for 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 who has expressed 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 considered 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 representations.

Following an application for costs, the Inspector or the Secretary of State/Welsh Ministers will act in the spirit of DOE Circular 8/93 – The Award of Costs in Planning and Other Proceedings. Schedule 6, paragraph 5(6) of the EP Regulations applies section 250 (as modified) of the Local Government Act 1972 to hearings and inquiries. Under section 250, persons may be summonsed to appear to give evidence, the appointed person may seek recovery of his or her certified costs from either party and may make a costs order so that one party pays part of the other side's costs.

### **9. Secretary of State's Guidance**

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

<b>PG3/01(12) Secretary of State's Guidance for Blending, Packing, Loading, Unloading and Use of Bulk Cement</b>	<a href="http://www.defra.gov.uk/industrial-emissions/las-regulations/guidance/">http://www.defra.gov.uk/industrial-emissions/las-regulations/guidance/</a>
<b>Pollution Prevention and Control Act 1999</b>	<a href="http://www.defra.gov.uk/environment/index.htm">www.defra.gov.uk/environment/index.htm</a>
<b>Environmental Permitting (England &amp; Wales) Regulation 2016</b>	<a href="http://www.legislation.gov.uk">http://www.legislation.gov.uk</a>
<b>General Guidance Manual on Policy and Procedures for A2 and B Installations</b>	<a href="http://www.defra.gov.uk/industrial-emissions/las-regulations/guidance/">http://www.defra.gov.uk/industrial-emissions/las-regulations/guidance/</a>



**10. 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 address and telephone number shall be used:

**By Post**

**Hartlepool Borough Council,  
Environment and Neighbourhood Services  
Public Protection  
Victoria Road  
Civic Centre  
Hartlepool  
TS25 8AY**

**By Telephone**

During office hours: 01429 266522

**By email**

[environmental.protection@hartlepool.gov.uk](mailto:environmental.protection@hartlepool.gov.uk)