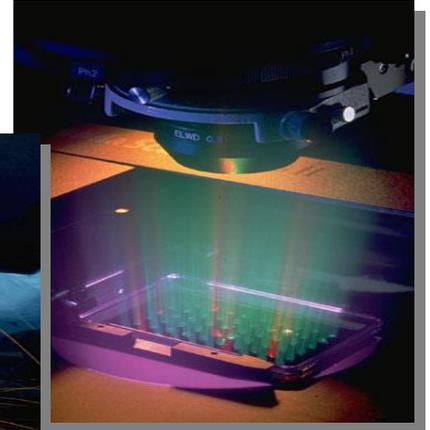


INSTALLATION PERMIT

Ref. EP2008/08



**Pollution
Prevention and
Control Act 1999**

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

**Liberty Pipes (Hartlepool) Ltd
Saw Pipe Mills
Hartlepool Works
Brenda Road
Hartlepool
TS25 2EF**

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Section One

Introductory Note & Description of Permitted Activity

THE POLLUTION PREVENTION AND CONTROL ACT 1999
ENVIRONMENTAL PERMITTING (ENGLAND & WALES)
REGULATIONS 2016

Introductory Note

Permit Holder:	Liberty Pipes (Hartlepool) Limited
Installation:	Saw Pipe Mills Hartlepool Works Brenda Road Hartlepool TS25 2EF
Registered Address of Company:	Liberty Pipes (Hartlepool) Ltd 2nd Floor, 40 Grosvenor Place, London, SW1X 7GG

Provenance	Date
Application for Authorisation (EPA 90)	14 th September 1992
Authorisation issued	12 th September 1997
Permit 'deemed' application	1 st April 2003
Permit issued	21 st April 2005
PPC Permit transferred automatically to EP Permit	6 th April 2008
Change of Permit Holder Name	September 2010
Update of permit to reflect revised DEFRA guidance	June 2014
Transfer of permit from TATA steel to Saw Pipe Mills	August 2017
Updated and Change of Registered Office Address	5 th January 2023

Liberty Pipes (Hartlepool) Limited, is hereby permitted by Hartlepool Borough Council to carry on Coating of Metal and Plastic Process (primarily the paint spraying of steel pipes) as prescribed in Section 6.4(B), of Schedule 1, Environmental Permitting (England and Wales) Regulations 2016 (As amended) as described below and within the activity boundary as marked red on the attached plan reference EP2008/08/2 and in accordance with the following conditions.

Signed on behalf of Hartlepool Borough Council

Signed:  **Date: 5th January 2023**

Sylvia Pinkney
Assistant Director (Regulatory Services)
An authorised officer of the Council

Description of Permitted Activity

- 1.1 The activity undertaken at Saw Pipe Mills is the coating of circular hollow section steel pipes.
- 1.2 The activity falls within Sections 6.4(B) of Schedule 1 of Section 6.4(B), of Schedule 1, Environmental Permitting (England and Wales) Regulations 2016. Coating of Metal or Plastic using over 5 tonnes of solvents per year.

The activity is covered by the Secretary of State's Guidance Note 6/23(11) for the Coating of Metal and Plastic Processes. It is therefore a defined Industrial Emissions Directive (IED) activity.

The industrial emissions Directive then offers two ways of compliance for metal or plastic coating activities:

- complying with the Directive emission limits for waste gases and fugitive emissions,
- applying the Directive reduction scheme (with or without abatement).

Saw Pipe Mills will be opting for the solvent reduction method means of compliance to the conditions in PG Note 6/23 and the IED.

- 1.3 Pipes are transferred into the bay by lorry and trailer from the S end of the bay. The pipes are lifted onto benches before having the pipe ends machined square and bevelled with a weld preparation.
- 1.4 Having been machined the pipes are transferred to the assembly benches where they are clamped together and welded internally and externally to produce a longer pipe, up to 29 m long.
- 1.5 The long pipes are then conveyed through a wheelabrator shotblast machine to produce a clean prepared body. The pipe is immediately conveyed, whilst retaining the heat incurred by the friction of blasting, onto the turning rolls of the spray machine.
- 1.6 The spray machine has turning rolls for rotation of the pipe and a semi-automated bogie carrying the spray head. The speed of the pipe rotation and the traverse of the bogie/sprayhead are adjustable for different diameter pipes.
- 1.7 The spraying activity utilises a "Graco Super Cat" machine utilising a two-pack catalyst and base material. The design keeps the two components separate until they are sprayed out of the gun tip. This

means that only the tip is exposed to the mixed material, which has quick set properties, and thus only the tip needs cleaning when spraying is stopped for any reason.

- 1.8** The pipe is then lifted into a vertically split catalytic drier until hardened off. The pipe is then lifted onto storage chocks until transport is available to remove it from site (rail or road).

The principal sources of releases to air from the activity are:-

- (i) Particulates from the paint spraying activity.
- (ii) VOC emissions from storage of paint and preparation of paint.
- (iii) VOC emissions from paint spraying.

Section Two

Permit Conditions

The conditions contained within this Permit are based upon Guidance Note PG 6/23 (11), "Coating of Metal and Plastic Processes" (The DEFRA guidance).

The requirements of the conditions attached to this permit shall come into effect on the date indicated in the individual condition or if no date is indicated shall take effect forthwith.

1.0 EMISSION LIMITS AND CONTROLS

- 1.1 All emissions to air, other than steam or water vapour shall be colourless, free from visible mist and free from visible fume and droplets.
- 1.2 All emissions shall be free from offensive odour outside the activity boundary where the work is being carried on.
- 1.3 A visual and olfactory assessment of the emissions shall be undertaken on a monthly basis, downwind at the activity boundary (Generally at building openings) while the activity is in operation. The results of the assessment shall be recorded in the log book along with the wind direction and weather conditions.
- 1.4 The following emission concentration limits shall apply to releases of pollutants to atmosphere from ductwork or stacks. The emission limit route has been chosen by the operator as the compliance method to the IED and full compliance to the limits is required as shown below in table 4.1 from the DEFRA guidance.

Table 4.1 - Emission limits, monitoring and other provisions for non-VOC releases					
Row	Substance	Source	Emission limits/provisions	Type of monitoring	Monitoring frequency
1	Carbon Monoxide	Oxidation plant	100 mg/Nm ³ as a 30-minute mean for contained sources	Catalytic oxidiser Monitoring and recording	Continuous
				Plus	
				Manual extractive testing	Annual
		From turbines, reciprocating engines or boilers used as VOC abatement equipment	500 mg/Nm ³ at 5% oxygen dry gas, as 30-minute mean for contained sources	All other types of abatement Manual extractive testing	Annual
2	Particulate matter	New spraybooths	50 mg/Nm ³ as 30-minute mean for contained sources	By guarantee supplied by the spray booth constructor	
		All other processes	50 mg/Nm ³ as 30-minute mean for contained sources	Or	
				Manual extractive testing	Annual
3	Oxides of Nitrogen (measured as nitrogen dioxide)	Oxidation plant	100 mg/Nm ³ as a 30-minute mean for contained sources	Manual extractive testing	Annual
		From turbines, reciprocating engines or boilers used as VOC abatement equipment.	500 mg/Nm ³ as 30-minute mean for contained sources		
4	Isocyanates	All processes / activities using isocyanates	0.1mg/Nm ³ as a 30 minute mean for contained sources excluding particulate and expressed as NCO.	Manual extractive testing	Annual
5	Sulphur dioxide	All activities using heavy fuel oil or other residual type /comparable Quality Protocol Processed Fuel Oil	1% wt/wt sulphur in fuel	Sulphur content of fuel is regulated under the Sulphur Content of Liquid Fuels Regulations	
		All activities using gas oil / comparable Quality Protocol Processed Fuel Oil	0.1% wt/wt sulphur in fuel		

- 1.5** Exhaust flow rates from any spray enclosures shall be consistent with efficient capture of emissions, good operating practice and meeting the requirements of the legislation relating to the workplace environment.
- 1.6** The reference test method for particulate matter in chimneys or ducts shall be that of BS EN 13284-1 “Stationary source emissions and tests” shall be carried out in accordance with the main procedural requirements of that standard.
- 1.7** All shot blasting and paint spraying operations shall only be carried out inside the site building.
- 1.8** All portable sanding and grinding tools shall be used in conjunction with dust control systems.

2.0 MONITORING, SAMPLING AND MEASUREMENT

- 2.1** A detailed inventory of solvent usage shall be kept as required within the industrial emissions directive which provides guidance on what constitutes a solvent input and an output. This can be described more simply as needing data on:

Inputs:

How much solvent is:

- bought, whether in pure form or contained in products;
- recycled back into the process.

Outputs:

How much solvent is:

- emitted to air, whether directly or via abatement equipment;
- discharged to water, whether directly or via water treatment;
- sent away in waste;
- lost by spills, leaks etc;
- leaving the installation in the product.

The definitions in Annex VII Part 7 of the industrial emissions Directive are as follows and are shown diagrammatically in the solvent management plan inputs and outputs in **section 3**.

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

I1 The quantity of organic solvents or their quantity in mixtures 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).

I2 The quantity of organic solvents or their quantity in mixtures 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**)

O1 Emissions in waste gases.

O2 Organic solvents lost in water, if appropriate taking into account waste water treatment when calculating O5.

O3 The quantity of organic solvents which remains as contamination or residue in products output from the process/activity.

O4 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.

O5 Organic solvents and/or organic compounds lost due to chemical or physical reactions (including for example those which are destroyed, e.g. by thermal oxidation or other waste gas or waste water treatments, or captured, e.g. by adsorption, as long as they are not counted under O6, O7 or O8).

O6 Organic solvents contained in collected waste.

O7 Organic solvents, or organic solvents contained in mixtures, which are sold or are intended to be sold as a commercially valuable product.

O8 Organic solvents contained in mixtures recovered for reuse but not as input into the process/activity, as long as not counted under O7.

O9 Organic solvents released in other ways.

2.2 The spray application of coatings shall be carried out by the use of air assisted airless, centrifugal, HVLP (High Pressure Low Volume) spray guns, where the atomisation pressure is less than 69kPa (10 p.s.i.), or by other suitable means as agreed by the local enforcing authority.

2.3 A logbook shall be established and maintained which contains a record of all visual and olfactory observations made in accordance with conditions 1.1 and 1.2, maintenance carried out in compliance with Conditions 6.1, 6.3 and 6.4 and emergency conditions in 5.4. The records shall include the time and date of the observations, the location from which the observations were made, the wind direction, the weather conditions, the likely source of the emissions to air, details of any corrective action taken, and the name and position within the Company of the person undertaking the observations. The logbook shall be kept available for inspection by an authorised officer from the regulating authority at the premises occupied by the Company, and the records shall be retained for at least two years. The log may be paper based or electronic.

3.0 MATERIALS HANDLING

3.1 All paint/coating mixing and equipment cleaning shall take place in a dedicated building/area, which shall be provided where appropriate with an extract ventilation system. The discharge from the system shall comply with condition 1.1 and in any case shall be released so as not to give rise to an offensive odour at the activity boundary site.

3.2 Spray gun cleaning shall be undertaken by the circulation of solvent through the spray lines and the waste solvent collected via a sealed container. This shall take place inside the pipe spraying area of the building.

The receptacle used to collect the solvent shall be kept lidded at all times when not in use.

3.3 Where dirty solvents or waste paint are returned for recycling/re-use the operator shall ensure that receipts are provided and these receipts shall be retained at the activity site for a period of four years.

All full, partially full or nominally empty containers, which hold or have held materials containing organic solvents shall be stored tightly lidded in a designated area or in an enclosed skip.

3.4 All solvent soaked wiping cloths shall be stored in enclosed containers.

3.5 A supply of absorbent material shall be held at the site for use in the event of spillages or organic solvents. Such spillages shall be cleared up immediately, and the collected material shall be held in an enclosed container pending removal from the site.

3.6 All waste shot and grit blasted material shall be collected by a closed steel skip so as to prevent any fugitive emissions. Pipe work connected to the skip shall be regularly checked for leaks and wear.

3.7 Di-isocyanates should preferably be stored in fixed tanks. Where storage of MDI or other di-isocyanates in portable containers is unavoidable, such containers should be stored in a well ventilated area and inspected (to check the integrity of the containers and that they have not become pressurised) by a responsible person before opening. Containers should not be pressurised unless specifically designed for this. Should container heating become necessary, this should not be done using a naked flame or other form of localised heating. Used and partly used containers should be securely lidded. Empty containers should be decontaminated before they are removed from the site to minimise emissions of isocyanates to the air.

Operators must also consider condition 4.3 with regards to this condition.

4.0 INDUSTRIAL EMISSIONS DIRECTIVE

4.1 The operator shall prevent and minimise emissions of VOC, using non-abatement techniques such as:

- water borne coatings (low organic solvent content);
- higher solids content coatings;
- powder coatings;
- organic solvent free liquid coatings;
- radiation cured coatings (for example, ultra violet and electron beam).

The following scheme should operate for installations for which a constant solid content of product can be assumed and used to define the reference point for emission reductions.

The operator should forward an emission reduction plan, which includes in particular:

a) mechanisms to decrease in the average solvent content of the total input;

and/or

b) systems to increase efficiency in the use of solids to achieve a reduction of the total emissions from the installation.

The target emission from an installation should be calculated by multiplying the total mass of solids in the quantity of coatings used in a year with the relevant figure given in Table 4.3 (Below). In determining the total mass of solids:

- all ingredients other than water and organic solvents should be assumed to form part of the solid coating; **and**
- solids are all materials in coatings that become solid as a result of curing, polymerisation, or the evaporation of the water or solvent (usually available from the supplier in g/l or non-volatile % mass by weight).

In cases of doubt, the reference standard for the determination of non-volatile % mass by weight is BS EN ISO 3251 (also numbered BS 3900: B18). The test conditions may need to be adjusted for the particular conditions of use or when assessing chemically or radiation cured coatings, where otherwise volatile components react to form part of the dry solid coating.

Table 4.3 - Reduction Scheme: target emission figures

Coating activity	
5-15 tonnes solvent consumption	total mass of solids x 0.6
Over 15 tonnes	total mass of solids x 0.37

- 4.2** Compliance with reduction scheme is achieved if the annual actual solvent emission determined from the solvent management plan is less than or equal to the target emission.
Where the annual actual solvent emission = I1-O8-O7-O6 (-O5 if abatement has been used). A solvent management plan shall be submitted to Hartlepool Borough Council.
- 4.3** The operator shall comply with the conditions in SE Box 7 from the DEFRA guidance (Below) regarding substances or preparations with certain hazard statements and risk phrases and these shall not be used without prior written consent of the regulator.

<p>SE Box 7 - industrial emissions Directive requirements for designated materials (Articles 58, 59, 80(7)) All activities using designated materials</p> <p>Designated materials used in industrial emissions Directive installations must be either replaced, or controlled contained and limited, as set out below.</p>	
<p>All Directive installations</p>	
<p>1. Materials designated because of their VOC content:</p> <ul style="list-style-type: none"> • hazard statement H340, H350, H350i, H360D, or H360F • until 1 Jun 2015: risk phrases R45, R46, R49, R60, or R61 	
<p>Requirements: Replace as far as possible (Taking into account guidance under Article 64 of the industrial emissions Directive. See note 3 and Appendix 1) by less harmful substances or mixtures.</p>	<p>Timescale: Installations must comply within the shortest possible time</p>
<p>Control under contained conditions as far as technically and economically feasible to safeguard public health and the environment, normally, in accordance with the guidance provided within Section 5 of the note.</p>	<p>Timescale: Immediately (and see note 1 below)</p>
<p>Limit - where the sum of the mass flows of all the discharges of all the compounds causing the designated labelling is greater or equal to 10g/h, a limit value of 2mg/Nm³ for the mass sum of the individual compounds must apply.</p>	<p>Monitoring: Manual extractive testing</p>
<p>2. Materials designated because of their halogenated VOC content:</p> <ul style="list-style-type: none"> • hazard statements H341 or H351 • until 1 Jun 2015 : risk phrases R40, or R68 	
<p>Requirements: Control under contained conditions as far as technically and economically feasible to safeguard public health and the environment, normally, in accordance with the guidance provided within Section 5 of the note.</p>	<p>Timescale: Immediately (and see note 1 below)</p>
<p>Limit - where the sum of the mass flows of all the discharges of all the compounds causing the designated labelling is greater or equal to 100g/h, a limit value of 20mg/Nm³ for the mass sum of the individual compounds must apply.</p>	<p>Monitoring: Manual extractive testing</p>
<p>Note 1 - substances or mixtures which are classified after the date of publication of this note as designated materials because of their VOC content, must apply the replace, control and limit requirements above within the shortest possible time from the date at which substances or mixtures became/become designated materials.</p> <p>In determining the 'shortest possible time', the operator will need to justify their timetables taking account of the guidance in the relevant chapter of the appropriate Guidance Manual.</p> <p>Note 2 - until 1 June 2015 'hazard statement' materials will, broadly, also be known as 'risk phrase' materials. After 1st June 2015, only the term 'hazard statement' materials will apply; see Section 7 for further details.</p> <p>Note 3 - European Commission have published information on substituting and containing designated solvents</p>	

4.4 The flexibility inherent in the solvent reduction compliance route should not be taken to encourage:

- the replacement of a low or no organic solvent coating system with a conventional high organic solvent coating system, **or**
- the introduction of such a conventional high organic solvent coating system into a process/activity; **or**
- the introduction of such a conventional high organic solvent coating system onto a product where it was not in use before; **or**
- the introduction of high solids formulations which have no beneficial effect on the product but increase the solids used, except where a reduction in the overall VOC emissions can be demonstrated.
- Regulators should seek prior notification of any proposal to introduce such systems, which should include reasons why lower organic solvent systems are not considered technically appropriate or practicable.

5.0 STACKS, VENTS AND PROCESS EXHAUSTS

5.1 Any ductwork, stacks or exhaust ventilation associated with shotblasting or painting/coating operations shall be maintained gas tight and regularly inspected for signs of damage and wear.

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

5.2 The discharge from all vents should be directed vertically upwards and achieve satisfactory dispersion of pollutants. A minimum discharge velocity shall be required in order to prevent the discharged plume being affected by aerodynamic down wash.

6.0 GENERAL OPERATIONS

6.1 Effective preventive maintenance shall be employed on all plant and equipment concerned with the control of emissions to the air. The “Graco Super Cat” machine for mixing and spraying paint shall be maintained in accordance with the manufacturer’s recommendations.

Details of the inspections shall be recorded in the log book together with actions taken to rectify defects.

- 6.2** Essential spare and consumables associated with the paint spraying/coating operations (especially those subject to continual wear) shall either be held on site or available at short notice from suppliers in order to rectify breakdowns rapidly.
- 6.3** Any malfunction or breakdown leading to abnormal emissions shall be dealt with promptly and activity operations adjusted until normal operations can be restored. All such malfunctions shall be recorded in a log book and the log book shall be retained for a period of four years.
- 6.4** In the event of any malfunction or accident which leads to the escape of volatile organic compounds, or particulate matter in such quantities as to have an effect upon the occupiers of other premises in the neighbourhood, the process operator shall immediately notify the regulator (Public Health team at Hartlepool Borough Council) by telephone or email message within one hour, with details of the nature of the problem, the action taken so far, and the proposed action to deal with the situation.
- 6.5** A comprehensive written maintenance programme shall be produced and implemented. It shall cover all the plant and equipment associated with the prescribed activity. All plant and equipment shall be maintained within the manufacturers instructions.
- 6.6** A high standard of housekeeping shall be maintained.
- 6.7** Staff at all levels shall receive the necessary formal training and instruction in their duties relating to control of the activity and emissions to air. A record of each person's training and instruction shall be kept for the duration of their employment connected with the equipment described with this authorisation.
- 6.8** A responsible person shall be nominated to act on behalf of the company, who will be responsible for ensuring that tests, emission monitoring and maintenance measures that are required under this Permit are carried out.
- 6.9** Complete and immediate access to the premises shall be granted to a duly authorised officer of the regulator upon request.
- 6.10** A copy of this Permit shall be kept on site.
- 6.11** The installation shall use 'Best available techniques' which 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.

Section Three

Location of Permitted Activity, Site Plan and Solvent Management Plan inputs and outputs

Site Location Map (EP2008/08/1)



OS Grid Ref. NZ 50512 27769

Saw Pipe Mills
Hartlepool Works
Hartlepool
TS25 2EF

Site Plan (EP2008/08/2)

— Site boundary in red

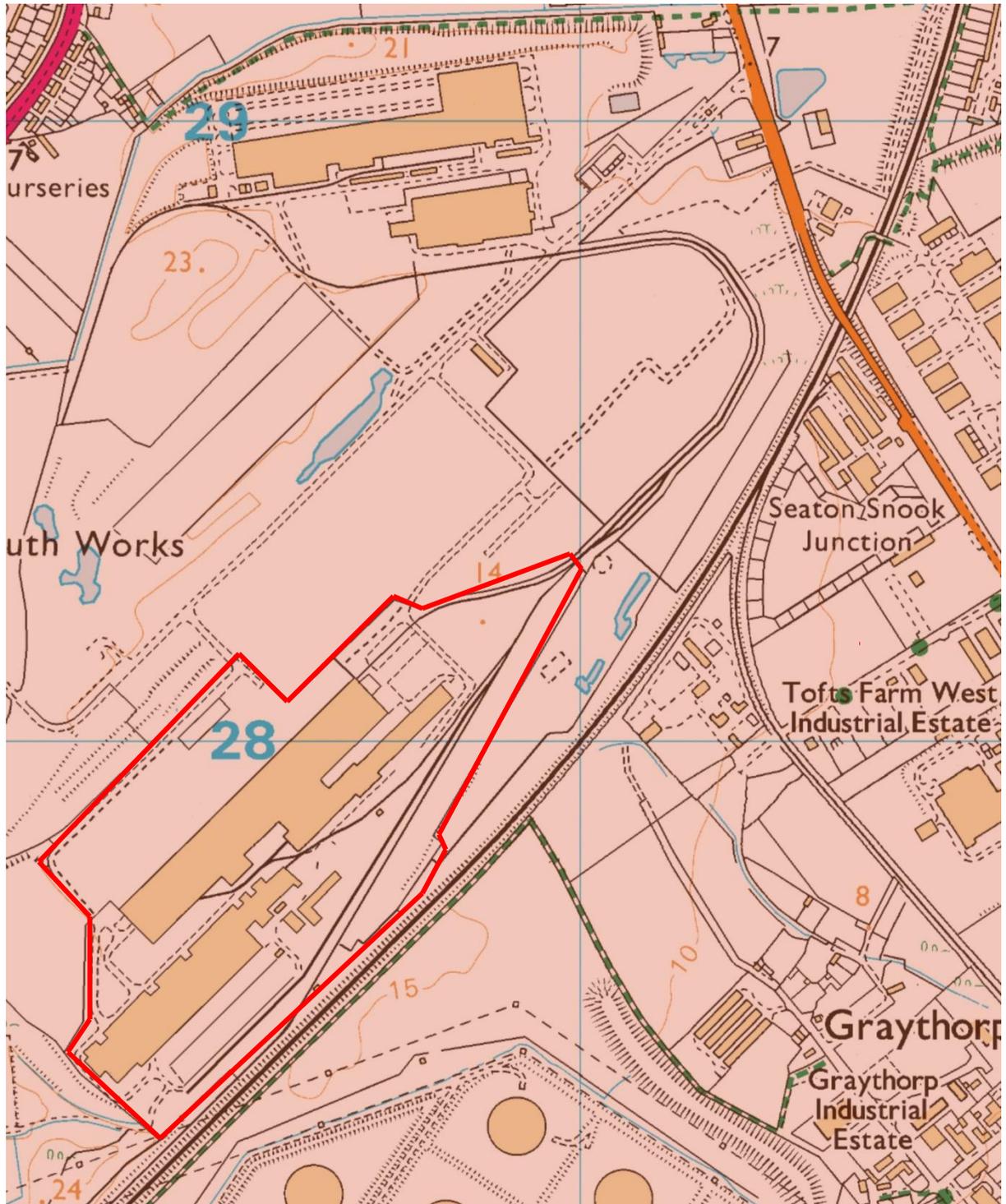
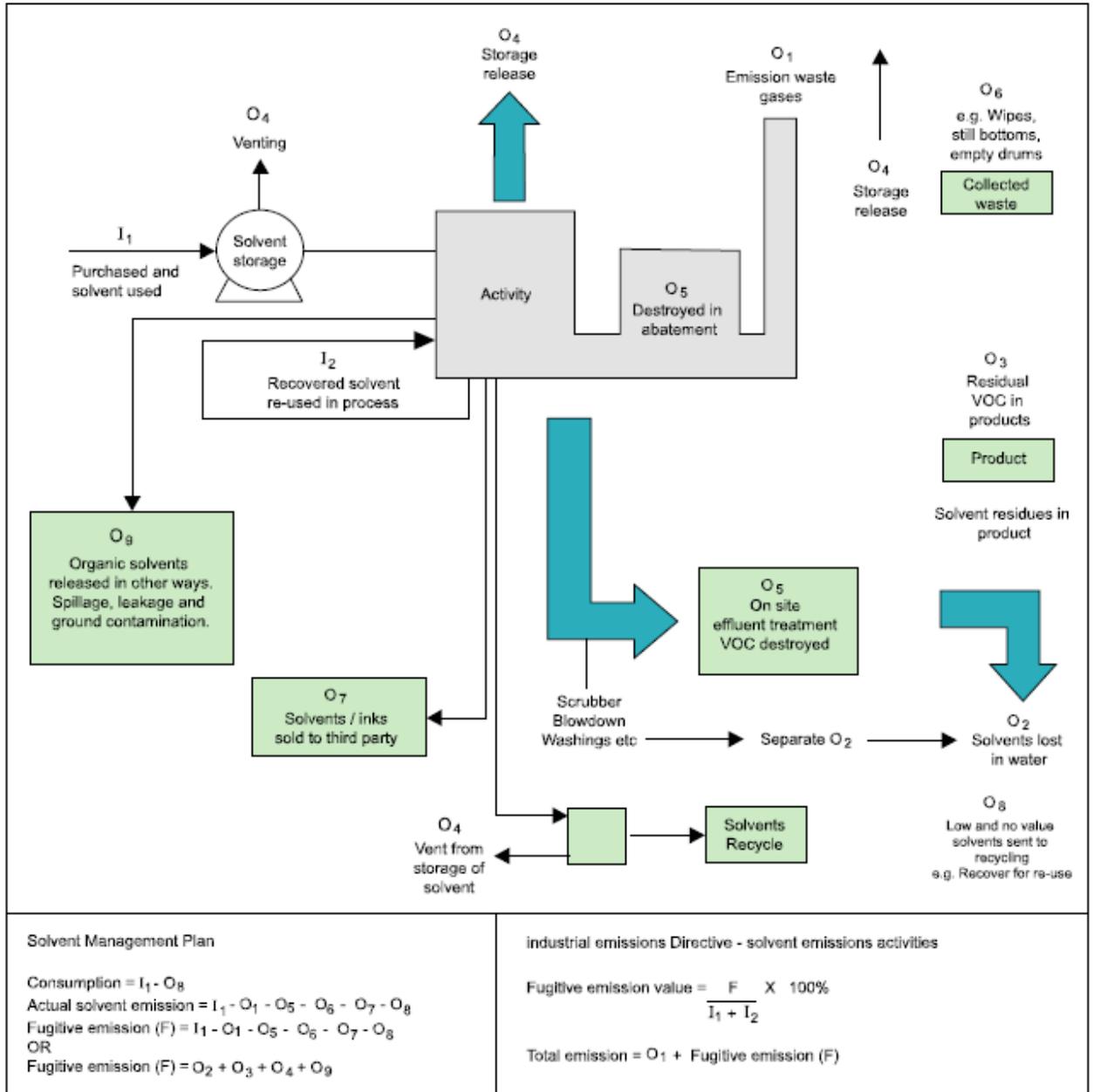


Figure 4.1 - Solvent management plan inputs and outputs



Section Four

Explanatory Notes And Appeals Procedure

Hartlepool Borough Council
The Pollution Prevention Control Act 1999
The 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 or conditions attached to it.

1. BAT CONDITION

Article 2(10) 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.

- **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 LA-IPPC and LAPPC 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,
Neighbourhoods and Regulatory Services Department**

(Environmental Protection)

**Victoria Road
Civic Centre
Hartlepool
TS24 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 LA-IPPC or LAPPC 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 Guidance 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:

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

LA-IPPC and LAPPC 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 (in the case of LA-IPPC) 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 IPPC Directive definition of 'substantial change', which is incorporated by the EP Regulations, is "a change in operation which, in the opinion of the regulator, may have significant negative effects on human beings or the environment". For installations subject to the Solvent 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; x
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 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.

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:

PG6/23 (11) Secretary of State's Guidance for Coating of Metal & Plastic	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583888/coating-of-metal-and-plastic-process-guidance-note-6-23_11_.pdf
Pollution Prevention and Control Act 1999	https://www.legislation.gov.uk/ukpga/1999/24
Environmental Permitting (England & Wales) Regulations 2016	https://www.legislation.gov.uk/uksi/2016/1154/contents/made
General Guidance Manual on Policy and Procedures for A2 and B Installations	http://www.defra.gov.uk/industrial-emissions/las-regulations/guidance/

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,
Neighbourhoods and Regulatory Services Department
(Environmental Protection)
Victoria Road
Civic Centre
Hartlepool
TS24 8AY**

By Telephone: During office hours: 01429 284024

By email: environmental.protection@hartlepool.gov.uk