South Northamptonshire Council

The Pollution Prevention and Control (England and Wales) Regulations 2000,
Regulation 17

VARIATION NOTICE

PPC Permit ref: 78/1.2/05
Variation ref: WK/200701164

To: Mr S Mangaleswaran
Of: 10 Abbotswood Gardens, Clayhall, Essex, IG1 0GB

South Northamptonshire Council ("the Council"), in the exercise of the powers conferred upon it by Regulation 17 of the Pollution Prevention and Control (England and Wales) Regulations 2000¹ ("the 2000 Regulations") hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference 78/1.2/05 granted under Regulation 9(1) of the 2000 Regulations in respect of the operation of the installation at Grange Farm Service Station, London Road, Collingtree, Northampton, NN4 0LY.

The variation of the conditions of the permit and the date on which they are to take effect are specified in Schedule 1 to this Notice. A consolidated permit as varied by this notice is set out in Schedule 2.

Signed on behalf of South Northamptonshire Council

Date: 13 March 2007

Environmental Protection Manager
An authorised officer of the Council

South Northamptonshire Council
Environment Division
Springfields
Towcester
Northamptonshire
NN12 5AE

Tel: 0845 230 0226
Fax: 01327 359946
Email: env.protection@southnorthants.gov.uk

¹ S.I. 2000 No. 1973 to which there are amendments not relevant to this variation notice.
**SCHEDULE 1**

<table>
<thead>
<tr>
<th>Variation to the conditions of Permit 78/1.2/05, variation ref: WK/200701164</th>
<th>Date on which the variation is to take place.</th>
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</thead>
<tbody>
<tr>
<td><strong>Description of Installation shall be amended to read:</strong></td>
<td>13 April 2007</td>
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<td><strong>DESCRIPTION OF INSTALLATION</strong></td>
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<td>As defined in the Secretary of State’s Guidance Note PG1/14(06): “The Unloading of Petrol into Storage at Petrol Stations”, Section 1.4 of Schedule 1 to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991 and Section 1.2 Part B of the Pollution Prevention and Control (England and Wales) Regulations 2000, a petrol service station unloading petrol from mobile containers into storage tanks in excess of 100m³ of petrol in any 12 month period.</td>
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<td>Petrol is unloaded from tankers into three underground storage tanks via an off-set filling pipe. Deliveries are licensee controlled and take place at any time, including outside normal operating hours. Emissions of petrol vapour displaced by the filling of the tanks are returned to the delivery vehicle via a vapour return system.</td>
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<td>The boundary of the site at Grange Farm Service Station, London Road, Collingtree, Northampton, NN4 0LY is marked in red on the map attached at Appendix I of this Permit.</td>
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<td>The key emissions from this process that constitute pollution for the purposes of the Pollution Prevention and Control (England and Wales) Regulations 2000 are petrol vapours including benzene.”</td>
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<tr>
<td><strong>Condition 1 of the Permit shall be amended to read:</strong></td>
<td>13 April 2007</td>
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<tr>
<td>1. “Vapours displaced by the delivery of petrol into storage installations at service stations shall be returned through a vapour tight connection line to the road tanker delivering the petrol. Unloading operations shall not take place unless the arrangements are in place and properly functioning subject to conditions 3, 4 and 5.”</td>
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<td><strong>Condition 2 of the Permit shall be amended to read:</strong></td>
<td>13 April 2007</td>
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<tr>
<td>3. “All reasonably practicable steps shall be taken to prevent uncontrolled leaks of vapour from vents, pipes and connectors from occurring except those which occur through the vacuum pressure relief valve during potentially hazardous pressurisation identified in condition 12 of this Permit.”</td>
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</tbody>
</table>
### Condition 3 of the Permit shall be amended to read:

6. “South Northamptonshire Council shall be informed of any proposed alteration to the facility or in operating procedures and the conditions of this Permit shall be reviewed in light of any modifications which occur to the facilities.”

13 April 2007

### Condition 6 of the Permit shall be amended to read:

8. “The number of tanker compartments being discharged simultaneously shall not exceed two. Where the diesel storage tank utilises the same vent pipe then this shall be included in the maximum number of tanker compartments to be unloaded simultaneously.”

13 April 2007

### Condition 7 of the Permit shall be amended to read:

9. “The connection points on the tank filling pipes and vapour return pipe, identified as “A” on the Site Layout Plan reproduced at Appendix II of this Permit, shall be fitted with secure seals to reduce vapour leaks when not in active use. If apertures are provided on storage tanks for the use of a dipstick, these shall be securely sealed.”

13 April 2007

### Condition 8 of the Permit shall be amended to read:

10. “The fittings for delivery pipes and vapour return hoses shall be different to prevent mis-connection.”

13 April 2007

### Condition 9 of the Permit shall be amended to read:

12. “Storage tank vent pipes, identified as “A” on the Site Layout Plan reproduced at Appendix II of this Permit, shall be fitted with a pressure vacuum relief valve to minimise vapour loss during unloading and storage of petrol. The pressure vacuum relief valve shall be sized and weighted to prevent vapour loss, except when the storage tanks are subject to potentially hazardous pressurisation.”

13 April 2007

### Condition 14 of the Permit shall be amended to read:

14. “Adjacent to the vapour return connection point there shall be a clearly legible and durable notice instructing “Connect vapour return line before off-loading” or similar wording and state the maximum number of compartments to be off-loaded simultaneously in accordance with condition 8 of this Permit.”

13 April 2007

### Condition 15 of the Permit shall be amended to read:

16. “A competent person shall remain near the tanker and maintain a constant watch on hoses and connections during unloading operations. A competent person is one who has received training in accordance with Section 5 of PG1/14(06).”

13 April 2007
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<th>Condition 16 of the Permit shall be amended to read:</th>
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<tr>
<td>15. &quot;Dip testing of storage tanks or road tanker compartments shall not be undertaken.&quot;</td>
<td>13 April 2007</td>
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<tr>
<th>Condition 17 of the Permit shall be amended to read:</th>
<th>13 April 2007</th>
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<tr>
<td>18. &quot;On completion of unloading, the vapour hose shall not be disconnected until the delivery hoses have been discharged and disconnected. The delivery hoses shall be disconnected at the road tanker end first. The vapour return hose shall be disconnected at the storage tank end first.&quot;</td>
<td>13 April 2007</td>
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<tr>
<th>Condition 18 of the Permit shall be amended to read:</th>
<th>13 April 2007</th>
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<tr>
<td>17. &quot;All road tanker compartment vents and discharge valves shall be closed on completion of the delivery.&quot;</td>
<td>13 April 2007</td>
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<th>Condition 21 shall be amended to read:</th>
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<td>2. &quot;The operator shall implement the Schedule of Preventative Maintenance as reproduced at Appendix III of this Permit and provided as part of the application for authorisation dated 3 December 1998.&quot;</td>
<td>13 April 2007</td>
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<th>Condition 22 of the Permit shall be amended to read:</th>
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<td>21. &quot;Petrol delivery and vapour return lines shall be tested not less than once every five years.&quot;</td>
<td>13 April 2007</td>
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<th>Condition 23 of the Permit shall be amended to read:</th>
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<td>22. &quot;Pressure vacuum relief valves on fixed tank vents shall be checked for correct functioning including extraneous matter, seating and corrosion not less than once every three years and appropriate repair works undertaken where necessary.&quot;</td>
<td>13 April 2007</td>
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<th>Condition 24 of the Permit shall be amended to read:</th>
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<td>23. &quot;The operator shall maintain a log book at the installation incorporating details of all maintenance, examination and testing, inventory checking, installation and repair work undertaken on the system, together with details of training given to operating staff at the service station. The log book shall also detail any suspected vapour leak together with action taken to deal with any leak, in accordance with conditions 3, 4 and 5.&quot;</td>
<td>13 April 2007</td>
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<th>Condition 25 of the Permit shall be amended to read:</th>
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<tr>
<td>5. &quot;In the event a vapour leak arises that is likely to have an effect on the local community, the operator shall advise South Northamptonshire Council Environment Division of the corrective measures to be undertaken and agree with them the timescales over which they will be implemented.&quot;</td>
<td>13 April 2007</td>
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<tr>
<td>Condition</td>
<td>Amendment</td>
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<td>28 of the Permit</td>
<td>24. &quot;The log book shall be retained at the installation site by the operator for a period of not less than two years and shall be made available for examination upon request by any duly authorised Officer of South Northamptonshire Council Environmental Protection Team.&quot;</td>
</tr>
<tr>
<td>29 of the Permit</td>
<td>11. &quot;Venting of petrol vapour shall be through the vent pipes identified as &quot;A&quot; on the Site Layout Plan reproduced at Appendix II of this Permit.&quot;</td>
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<tr>
<td>4 of the Permit</td>
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<td>5 of the Permit</td>
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<td>4 of the Permit</td>
<td>Condition 4 of the Permit shall be inserted to read: 4. &quot;South Northamptonshire Council Environment Division shall be advised without delay of the circumstances of any such vapour leak except those which occur through the vacuum pressure relief valve during potentially hazardous pressurisation identified in condition 12 of this Permit, where there is likely to be an effect on the local community, and in all cases such vapour leaks shall be recorded in a log book required under condition 23 of this Permit.&quot;</td>
</tr>
<tr>
<td>5 of the Permit</td>
<td>Condition 5 of the Permit shall be inserted to read: 5. &quot;In the event a vapour leak arises that is likely to have an effect on the local community, the operator shall advise South Northamptonshire Council Environment Division of the corrective measures to be undertaken and agree with them the timescales over which they will be implemented.&quot;</td>
</tr>
<tr>
<td>7 of the Permit</td>
<td>Condition 7 of the Permit shall be inserted to read: 7. &quot;The vapour collection system shall be sized and designed to minimise vapour emission occurring during the maximum petrol and vapour flow in accordance with conditions 1 and 8, when the maximum number of tanker compartments are being simultaneously discharged.&quot;</td>
</tr>
</tbody>
</table>
Condition 25 of the Permit shall be inserted to read:

25. "No unloading operations shall be undertaken by any person unless that person has received such training and instruction in respect of using, supervising the use of and maintaining vapour balancing controls and actions to be taken in the event of a vapour leak, as is deemed appropriate by the operator.

Every person whom the operator deems to have received appropriate training and instruction shall be identified in writing and a record maintained to that effect."

13 April 2007

Signed on behalf of South Northamptonshire Council

[Signature]

Date: 13 March 2007

Environmental Protection Manager

An authorised officer of the Council
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 Schedule 8, paragraph 4(10) of the 2000 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.

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. It may
assist the local authority if the information the operator considers to be commercially confidential is submitted in a
way which will allow it to be easily removed should the claim be granted, for example on separate pages, marked
'claimed confidential'. The onus is on the operator to provide a clear justification for each item to be kept from the
register. It will not simply be sufficient to say that the process is a trade secret.

The 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 31(12) of the
2000 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.

The local authority may consider that certain areas of the information are commercially confidential, and others
are not. If this is the case it will be stated in the determination notice. The operator may appeal against this in the
normal manner.

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. 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.
Guidance for Operators receiving a Variation Notice

(This guidance does not form part of the Variation Notice, but it is for the guidance of those served with the notice.)

Dealing with a Variation Notice

This notice varies the terms of the permit specified in the Notice by amending or deleting certain existing conditions and / or adding new conditions. The Schedules attached to the notice explain which conditions have been amended, added or deleted and the dates on which these have effect.

The Council may have included a 'consolidated permit', which takes into account these and / or previous variations. In cases where a consolidated permit is not included this variation notice must be read in conjunction with your permit document.

Offences

Failure to comply with a variation Notice is an offence under regulation 32 of the 2000 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £20,000 or imprisonment for a term not exceeding 6 months or both; or (ii) to a fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in Magistrates or Crown Court.

 Appeals

Under regulation 27 of the 2000 Regulations operators have the right of appeal against the conditions attached to their permit by a variation notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State given under regulations 12(15) (directions to regulators), 36 (general directions to regulators), paragraph (4) of regulation 27 (Appeals), paragraph 14(6) of Schedule 4 (directions determining applications for permits) or 6(6) of Schedule 7 (directions determining variation of permits).

Appeals against a variation notice do not have the effect of suspending the operation of the notice. Appeals do not have the effect of suspending permit conditions, or any of the mentioned notices.

Notice of appeal against a variation notice must be given within two months of the date of the 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 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 8 of the2000 Regulations, paragraph 1):

- 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 31 of the 2000 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 4/19 - Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN