Permit ref: IPPC/A2/07/2015/V1

Barnsley Metropolitan Borough Council
The Environmental Permitting (England and Wales) Regulations 2010 as amended
Regulation 20 (and Regulation 18 *in relation to consolidated permits)*

Variation Notice

To: Naylor Drainage Limited, Clough Green, Cawthorne, Barnsley, S75 4AD.

Barnsley Metropolitan Borough Council ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 as amended ("the 2010 Regulations") hereby gives you notice as follows;-

The Council has decided to vary the conditions of permit reference IPPC/A2/07/2012/V1 granted under regulation 13(1) of the Environmental Permitting (England and Wales) 2010 Regulations in respect of the Installation operated at; Naylor Drainage Limited, Clough Green, Cawthorne, Barnsley, S75 4AD.

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 attached.

Signed on behalf of Barnsley Metropolitan Borough Council

Date: 11th February 2015

Mr. Phillip Spurr
Assistant Director Culture & Regulation
An authorised officer of the Council

Schedule 1

Variation to the conditions of the permit	**Date(s) on which the variation is to take place.**
Delete conditions 1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.1.5, 1.1.6, 1.1.7, 1.1.8, 1.1.9 and 1.1.10 and replace with new conditions 1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.1.5, 1.1.6, 1.1.7, 1.1.8 and 1.1.9 detailed below; 1.1.1 The height of the kiln stacks (marked 1 to 10 on plan reference IPPC/A2/07/2015/V1 Plan 1) shall be sufficient to ensure that there is adequate dispersion of process emissions. The stack height shall be a minimum of 3 metres above roof ridge height of any building within a distance of 5 times the uncorrected stack height and in no circumstances shall it be less than 8 metres above ground level. 1.1.2 Process emissions from the kiln stacks (stacks marked 1 to 10 on plan reference IPPC/A2/07/2015/V1 Plan 1) shall be dispersed in such a way as to ensure that the relevant air quality standards for oxides of nitrogen, oxides of sulphur and particulate matter are not being breached. 1.1.3 Exhaust gases discharged through stacks numbered 1 to 23 on plan reference IPPC/A2/07/2015/V1 Plan 1 shall achieve an exit velocity that is sufficient to ensure adequate dispersion of kiln emissions during normal operating conditions. 1.1.4 Emissions from the process exhausts marked 1 to 23, in normal operations, shall not exceed the equivalent of Ringelman Shade 1 as described in British Standard BS 2742:2009. 1.1.5 Emissions of water vapour shall be free from droplet fallout. 1.1.6 Operatives shall follow the procedures for ensuring emissions to atmosphere are minimised during kiln start up and shut down. 1.1.7 Kiln and dryer stacks shall not be fitted with any restriction at the final opening such as a plate, cap or cowl, with the exception of a cone which may be necessary to increase the exit velocity of the emissions. 1.1.8 The Operator shall ensure that flues and ductwork are cleaned to prevent accumulation of materials, as part of the routine maintenance programme, as detailed in condition 5.2.2 of this permit. 1.1.9 The average monthly net rated thermal input of any of the kilns	Immediately

operated at the installation shall not exceed 2MW. The net rated thermal input shall be calculated for each kiln on the basis of the average hourly input in megawatts taken over the time that the kiln is operated each month. The Operator shall notify the Regulator within 14 days of any instance where the 2 MW limit has been exceeded.

Delete condition 1.2.1 and replace with new condition 1.2.1 detailed below;

Immediately

1.2.1 Monitored release points to air shall be referenced as detailed in Table 1 below.

TABLE 1	
Release Point	**Description**
1	Pipe Roller Kiln
2	Fittings Roller Kiln
3	Intermitent Kiln 1
4	Intermitent Kiln 2
5	Hathenware Kiln 1
6	Hathenware Kiln 2
7	Hathenware Kiln 3
8	Shuttle Kiln 1
9	Shuttle Kiln 2
10	Barrhead Kiln
11	Pipe Roller Dryer
12	Pipe Tray Dryer
13	Fittings Tunnel Dryer
14	Fittings Batch Dryer 1
15	Fittings Batch Dryer 2
16	Fittings Batch Dryer 3
17	Intermitent Dryer 1
18	Intermitent Dryer 2
19	Intermitent Dryer 3
20	Hathenware Dryer 1
21	Hathenware Dryer 2
22	Shuttle Dryer 1
23	Shuttle Dryer 2

Delete conditions 1.3.1, 1.3.2 and 1.3.3 and replace with new conditions 1.3.1, 1.3.2 and 1.3.3 detailed below;

Immediately

1.3.1 A visual assessment of emissions from release point 1 to 23 (as marked on plan reference IPPC/A2/07/2015/V1 Plan 1) shall be made, from a position with a clear view of the stacks, regularly and frequently and not less than once a day. The results of the monitoring shall be recorded in the installation log kept in accordance with Condition 9.1 of this permit. All entries shall include the date and time of the observation, location, findings of the assessment, any action taken and the identity of the person carrying out the monitoring.

1.3.2 All adverse assessments shall be investigated immediately and

remedial action taken. Adverse results from any monitoring activity (both continuous and non-continuous) shall be investigated immediately. The Operator shall ensure that: a) the cause has been identified and corrective action taken b) as much detail as possible is recorded regarding the cause and extent of the problem and the action taken to rectify the situation c) re-testing to demonstrate compliance is carried out as soon as possible, and d) the Regulator is notified as soon as is practical All adverse assessments together with details of any remedial action taken shall be recorded in the installation log kept in accordance with Condition 9. 1 of this permit. 1.3.3 The Operator shall determine the individual average monthly net rated input of each of the kilns (namely the Pipe Roller Kiln, Fittings Roller Kiln, Intermittent Kiln 1, Intermittent Kiln 2, Hathenware Kiln 1, Hathenware Kiln 2, Hathenware Kiln 3, Shuttle Kiln 1, Shuttle Kiln 2, Barrhead Kiln) on a weekly basis. The Operator shall provide the Regulator with the average monthly net rated inputs for each kiln on a 6 monthly basis within 4 weeks of the period to which the data relates.	
Delete condition 1.5.4 and replace with new condition 1.5.4 detailed below; 1.5.4 Unprocessed clay shall be stored in the designated area as identified on plan reference IPPC/A2/07/2015/V1 Plan 2.	Immediately
Delete condition 1.6.1 and replace with new condition 1.6.1 detailed below; 1.6.1 All crushing and grinding of clay shall take place within the building marked clay prep identified on plan reference IPPC/A2/07/2015/V1 Plan 1. Emissions from processing operations including crushing, grinding, pan mill, conveyors and elevators shall be exhausted within the building.	Immediately
Delete condition 1.8.2 and replace with new condition 1.8.2 detailed below; 1.8.2 Potentially dusty waste materials shall be stored in covered skips in the designated area as identified on plan reference IPPC/A2/07/2015/V1 Plan 1.	Immediately
Delete conditions 2.1.2, 2.1.3, 2.1.4 and 2.1.5 and replace with new conditions 2.1.2, 2.1.3 and 2.1.4 detailed below; 2.1.2 As far as is reasonably practicable, the site shall be operated so as to prevent the discharge, as identified in condition 2.1.1 from containing any significant trace of visible oil or grease. 2.1.3 The discharge as identified in condition 2.1.1 shall not contain any matter (either on its own or in combination with any other matter), to such an extent as to cause the receiving waters to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish.	Immediately

2.1.4 The discharge from the storm overflow outlet from the above premises to Tanyard Beck (former discharge consent 3813 dated 17.08.1984) at National Grid Reference SE 2723 0685 shall consist solely of clay stockyard and lintel production area drainage and shall only operate when the storage capacity of 748 cubic metres is full and the flow in the storage lagoon is in excess of 260 cubic metres in one hour.	
Delete condition 2.2.1 and replace with new condition 2.2.1 detailed below;	Immediately
2.2.1 Facilities shall be provided so as to enable samples of the effluent to be conveniently obtained at the sample point NGR SE 2724 0685 (as marked on a plan reference IPPC/A2/07/2015/V1 Plan 3); The Operator shall ensure that all constituents of the discharge pass through the sampling point at all times.	
Delete conditions 2.4.1, 2.4.2, 2.4.3, 2.4.4, 2.4.5, 2.4.6, 2.4.7, 2.4.8, 2.4.9, 2.4.10, 2.4.11, 2.4.12, 2.4.13, 2.4.14 and 2.4.15 and replace with conditions 2.4.1, 2.4.2, 2.4.3, 2.4.4, 2.4.5, 2.4.6, 2.4.7, 2.4.8, 2.4.9, 2.4.10, 2.4.11, 2.4.12, 2.4.13 and 2.4.14 detailed below;	Immediately
2.4.1 The Operator shall maintain a detailed survey of the routing of all installation drains and subsurface pipework including all subsurface sumps and storage vessels. The survey shall be reviewed and updated as material changes take place at the installation. The survey shall be held on site as part of the installation log and made available for inspection by the Regulator.	
2.4.2 The Operator shall have an inspection and maintenance programme for all subsurface structures as part of the management system as detailed in condition 5.1.1 of this permit.	
2.4.3 All operational areas shall be equipped with an impervious surface, spill containment kerbs, sealed construction joints, and connection to a sealed drainage system with the exception of the areas notified and agreed with the Regulator, as required by condition 2.4.4 of this permit. The surface shall be of a good integrity and shall be inspected on an annual basis and maintained accordingly. Inspections shall be recorded as part of the installation log required by condition 9.1 of this permit.	
2.4.4 The Operator shall maintain a record of the design and condition of the surfacing of all new or replacement operational areas. This shall include any relevant information including, as appropriate, capacities, thickness, falls, material, permeability, strength/reinforcement, and resistance to chemical attack. This shall be updated following any relevant material changes to the process.	
2.4.5 All tanks containing liquids whose spillage could be harmful to the environment shall be contained. The Operator shall review the bunding arrangements and ensure that all bunds: • are impermeable and resistant to the stored materials	

• have no outlet (that is, no drains or taps) and drain to a blind collection point • have pipework and drain cocks routed within bunded areas with no penetration of contained surfaces • are designed to catch leaks from tanks or fittings • have a capacity of at least 110% of the largest tank • are visually inspected at least weekly and any contents pumped out or otherwise removed under manual control after checking for contamination • have an annual maintenance inspection (normally visual but extending to water testing where structural integrity is in doubt) 2.4.6 All sumps shall be impermeable and resistant to stored materials and shall be inspected on a weekly basis. The content of the sump shall be checked for contamination prior to being pumped out. 2.4.7 All bulk storage tanks, shall be fitted with volume indicators to warn of overfilling. The Operator shall ensure that there is sufficient capacity in the tank prior to deliveries taking place. Filling and delivery connections shall be located within a bunded area and shall be locked when not in use. The integrity of tanks shall be inspected on an annual basis. These inspections shall be included in the maintenance schedule and shall be recorded and documented. 2.4.8 Storage areas and containers shall be designed and operated to minimise the risk of fugitive releases to surface water, sewer and groundwater, in particular: • storage areas shall be located away from watercourses and shall be protected against vandalism • containers shall be inspected prior to placing in storage for any leakage, wear and tear etc. Appropriate action shall be taken when defects are detected • the maximum capacity of storage areas shall be stated and shall not be exceeded • storage areas and silos shall be inspected at least monthly to check for signs of leakage or potential leakage 2.4.9 All containers of hydrocarbons and chemicals which are discharged manually shall be placed either in bunded areas or on drip trays. The filling points shall have outlets which discharge within the bunded area/drip tray. 2.4.10 Heavy fuel oil, resin and diesel shall be delivered to site in enclosed tankers to the oil, resin and diesel storage tanks. 2.4.11 The Operator shall check that there is sufficient capacity in the storage tanks prior to the delivery of oil, resin and diesel taking place. This check shall be recorded in the installation log. 2.4.12 Tanker transfer lines must be securely connected to the tanker discharge point and the tank inlet point before the delivery	

commences. Visual observations shall be made during the delivery to ensure there is no leakage from the transfer lines. 2.4.13 Tanker drivers shall be informed of the correct procedures to be followed. 2.4.14 Deliveries shall cease immediately where there is any leakage of material from transfer lines or connection points and corrective action shall be taken prior to recommencing the delivery. Any incidents shall be recorded in the site log along with any remedial action taken.	
Delete condition 4.1 and replace with new condition 4.1 detailed below; 4.1 All emissions to air from the installation shall be free from offensive odour, as perceived by the Regulator, outside of the installation boundary, as outlined in red on plan reference IPPC/A2/07/2015/V1 Plan 4. The Operator shall not be deemed to have breached this condition if the Operator has used BAT to prevent, or where that is not practicable, to reduce such odorous emissions.	Immediately
Delete conditions 5.1.2 and 5.1.3.	Immediately
Delete condition 5.2.2 and replace with new condition 5.2.2 detailed below; 5.2.2 An effective documented preventative maintenance programme including documented operational control procedures shall be employed on all aspects of the installation whose failure could impact on the environment. This shall also include major 'non productive' items such as tanks, pipework, retaining walls, bunds, ducts and filters. The maintenance programme shall be reviewed and updated on an annual basis and the results shall be available to the Regulator for inspection upon request.	Immediately
Delete conditions 5.3.1, 5.3.2, 5.3.3 and 5.3.4 and replace with new conditions 5.3.1, 5.3.2, 5.3.3 and 5.3.4 detailed below; 5.3.1 Staff at all levels shall receive the necessary training concerning control of emissions to the environment including an awareness of operating procedures in relation to their duties. This shall include awareness of the regulatory implications of the permit and of all potential environmental impacts under normal and abnormal circumstances. Staff shall be aware of the procedures for dealing with a breach of the permit conditions, recording of incidents and for the prevention of accidental emissions and the actions to be taken when accidental emissions occur. Training needs shall be reviewed on a 2 year basis and also as part of the induction programme for new operatives involved in operations covered by this permit. 5.3.2 The skills and competencies necessary for key posts (which may include contractors and those purchasing equipment and materials) shall be documented and records of training needs and training received for these posts shall be kept. This documentation shall be reviewed on a 3 yearly basis.	Immediately

5.3.3 Contractors shall be advised of the relevant procedures to be followed in relation to carrying out duties on site and for control of emissions to the environment. 5.3.4 The Operator shall have in place a formal structure that clarifies the extent of each level of employee's responsibility with regard to the control of the process and its environmental impacts. A copy of the structure shall be held on site and be reviewed on an annual basis. This shall be available for inspection by the Regulator upon request.	
Delete condition 6.2.1 and replace with new condition 6.2.1 detailed below; 6.2.1 The Operator shall carry out a waste minimisation audit once every 2 years. The methodology used and an action plan for optimising the use of raw materials shall be submitted to the Regulator within 2 months of completion of the audit. The waste minimisation audit shall form part of the revised environmental management system required by Condition 5.1.1.	Immediately
Delete conditions 6.3.8 and 6.3.9 and replace with new conditions 6.3.8 and 6.3.9 detailed below; 6.3.8 The Operator shall carry out an annual review to demonstrate that the best environmental options are being used for dealing with waste. The review should include but not be limited to; • Unfired waste • Fired waste • Collected dusts • Steel bands from pallet packaging • Waste water treatment sludge • Wood, cardboard and paper • Oil Details of the review shall be available to the Regulator upon request. 6.3.9 The Operator shall review the potential markets for the recovery/re-use of wastes that are currently disposed of to landfill. The review shall be carried out every 2 years and be available to the Regulator upon request.	Immediately
Delete conditions 6.5.6, 6.5.7 and 6.5.8 and replace with new conditions 6.5.6 and 6.5.7 detailed below; 6.5.6 The Operator shall demonstrate compliance with the Greenhouse Gas Emissions Trading Scheme Regulations 2005 (Permit ref. UK-E-IN-11485). This information shall be held in compliance with condition 9.1 of this permit. 6.5.7 The Operator shall notify the Regulator, as soon as practicable, of non	Immediately

	compliance with the Greenhouse Gas Emissions Trading Scheme Regulations 2005.	

Signed on behalf of Barnsley Metropolitan Borough Council

Date: 11th February 2015

Mr. Phillip Spurr
Assistant Director Culture & Regulation
An authorised officer of the Council

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 38(2) of the 2010 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £50,000 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 31 and schedule 6 of the 2010 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 61 or 62 or a direction or when determining an appeal.

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

Notice of appeal against a variation notice must be given within **two months** of the date of the 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 paragraphs 2(1) and (2) of schedule 6 of the 2010 Regulations):

- The appropriate authority written notice of the appeal;
- a statement of the grounds of appeal;
- a copy of any relevant application;
- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice, which is the subject matter of the appeal; and

- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or dealt with by way of written representations.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for commercial confidentiality under regulation 48 of the 2007 regulations, and provide relevant details – see below. Unless such information is provided all documents submitted will be open to inspection.

Where to send your appeal documents

Appeals should be despatched on the day they are dated, and addressed to:

The Planning Inspectorate
Environmental Team, Major and Specialist Casework
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

If an appeal is made, the main parties will be kept informed about the next steps, and will also normally be provided with additional copies of each other's representations.

To withdraw an appeal – which may be done at any time – the appellant must notify the Planning Inspectorate in writing and copy the notification to the local authority who must in turn notify anyone with an interest in the appeal.

Costs

The operator and regulator will normally be expected to pay their own expenses during an appeal. Where a hearing or enquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6, 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.

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 test of whether information is confidential for the purposes of being withheld from the public register is complex and is explained, together with the procedures, in chapter 8 of the PPC General Guidance Manual.

National Security

Information may be excluded from the public register on the grounds of National Security. If it is considered that the inclusion of information on a public register is contrary to the interests of national security, the operator may apply to the Secretary of State, 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.