



BARNSLEY
Metropolitan Borough Council

Permit ref: IPPC/A2/05/2025/V1

Barnsley Metropolitan Borough Council
The Environmental Permitting (England and Wales) Regulations 2016 as amended
Regulation 20 (and Regulation 18 *in relation to consolidated permits*)

Variation Notice

To: Canova Clay Limited, Wavin Edlington Lane, Edlington, Doncaster, DN12 1BY

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 2016 as amended ("the Regulations") hereby gives you notice as follows:

The Council has decided to vary the conditions of permit reference IPPC/A2/05/2013/V1 granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2016 as amended in respect of the Installation operated at: Canova Clay Limited, Hazlehead, Crowedge, Sheffield, S36 4HG.

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: 27.02.2025

Carrie Abbott
Service Director - Public Health & 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.																					
<i>Delete condition 1.1.3 of permit reference IPPC/A2/05/2013/V1 and replace with new condition 1.1.3 as detailed below:</i>				With immediate effect from the date of this Notice.																					
1.1.3	Emissions from combustion processes in normal operation shall be free from visible smoke and in any case shall not exceed the equivalent of Ringelmann Shade 1 as described in British Standard BS 2742:2009.																								
<i>Delete condition 1.2.2 of permit reference IPPC/A2/05/2013/V1 and replace with new condition 1.2.2 as detailed below:</i>				With immediate effect from the date of this Notice.																					
1.2.2	The emission limits for the following release points detailed in Table 2 shall not be exceeded.																								
<table><tr><th colspan="3">TABLE 2</th></tr><tr><th>Release Points</th><th>Emission</th><th>Limit</th></tr><tr><td>A1 to A7, A13 to A15</td><td>Particulate Matter</td><td>100 mg/m³</td></tr><tr><td>A1 to A7, A13 to A15</td><td>Fluorides</td><td>10 mg/m³ (expressed as HF)</td></tr><tr><td>A8</td><td>Particulate Matter</td><td>50mg/m³</td></tr><tr><td>A8</td><td>Fluorides</td><td>5 mg/m³ (expressed as HF)</td></tr><tr><td>A17, A18</td><td>Particulate Matter</td><td>No visual emissions</td></tr></table>					TABLE 2			Release Points	Emission	Limit	A1 to A7, A13 to A15	Particulate Matter	100 mg/m ³	A1 to A7, A13 to A15	Fluorides	10 mg/m ³ (expressed as HF)	A8	Particulate Matter	50mg/m ³	A8	Fluorides	5 mg/m ³ (expressed as HF)	A17, A18	Particulate Matter	No visual emissions
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All pollution concentrations shall be expressed at reference conditions of 273k and 101.3kPa, without correction for water vapour content. The concentration of pollutants in the furnace emissions shall be normalised to 18% oxygen when measured dry. The results shall be averaged over the firing cycle of the kiln.																									
<i>Delete condition 1.2.3 of permit reference IPPC/A2/05/2013/V1 and replace with new condition 1.2.3 as detailed below:</i>																									
1.2.3	The emission limits for the following release points shall be achieved by the dates specified within Table 3 below:			With immediate effect from the date of this Notice.																					
<table><tr><th colspan="4">TABLE 3</th></tr><tr><th>Release points</th><th>Emission</th><th>Limit</th><th>Compliance date</th></tr><tr><td>A17, A18</td><td>Particulate matter</td><td>50 mg/m3</td><td>To be agreed with Regulator, in line with Condition 1.4.19</td></tr></table>					TABLE 3				Release points	Emission	Limit	Compliance date	A17, A18	Particulate matter	50 mg/m3	To be agreed with Regulator, in line with Condition 1.4.19									
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<i>Delete condition 1.4.18 of permit reference IPPC/A2/05/2013/ V1 and replace with new condition 1.4.18 as detailed below:</i> 1.4.18 The Operator shall fit and operate continuous monitors on the Nailsea and Grog plant (process exhausts numbered A17 and A18 on plan reference DRG. No. G_01_00_30_B) within 6 months from the date when operational levels go over the thresholds of: a) 80000 tons of raw materials or 3500 working hours in 1 year for A17 b) 1000 hours in 1 year for A18	With immediate effect from the date of this Notice.
<i>Delete condition 1.4.19 of permit reference IPPC/A2/05/2013/V1.</i>	With immediate effect from the date of this Notice.
<i>Delete condition 2.3.1 of permit reference IPPC/A2/05/2013/V1 and replace with new condition 2.3.1 as detailed below:</i> 2.3.1 No emission from the Permitted Installation shall give rise to the introduction into groundwater of any substance in List I (as defined in the Groundwater Regulations 2009).	With immediate effect from the date of this Notice.
<i>Delete condition 2.3.2 of permit reference IPPC/A2/05/2013/V1 and replace with new condition 2.3.2 as detailed below:</i> 2.3.2 No emission from the Permitted Installation shall give rise to the introduction into groundwater of any substance in List II (as defined in the Groundwater Regulations 2009) so as to cause pollution (as defined in the Groundwater Regulations 2009).	With immediate effect from the date of this Notice.
<i>Delete condition 2.3.3 of permit reference IPPC/A2/05/2013/V1 and replace with new condition 2.3.3 as detailed below:</i> 2.3.3 For substances other than those in List I or List II (as defined in the Groundwater Regulations 2009) the Operator shall use BAT to prevent, or where that is not practicable, to reduce emissions to groundwater from the Permitted Installation.	With immediate effect from the date of this Notice.
<i>Delete condition 6.5.6 of permit reference IPPC/A2/05/2013/V1 and replace with new condition 6.5.6 as detailed below:</i> 6.5.6 The Operator shall demonstrate compliance with the UK Emissions Trading Scheme (Greenhouse Gas Emissions Trading Scheme Order 2020) (Permit ref. UK-E-IN-13630). This information shall be held in compliance with condition 9.1 of this permit.	With immediate effect from the date of this Notice.
<i>Delete condition 6.5.7 of permit reference IPPC/A2/05/2013/V1 and replace with new condition 6.5.7 as detailed below:</i> 6.5.7 The Operator shall notify the Regulator, as soon as practicable, of cancellation of or non-compliance with the UK Emissions Trading Scheme (Greenhouse Gas Emissions Trading Scheme Order 2020).	With immediate effect from the date of this Notice.
<i>Delete condition 6.5.8 of permit reference IPPC/A2/05/2013/V1.</i>	With immediate effect from the date of this

	Notice.
<i>Any condition of permit reference IPPC/A2/05/2013/V1 not listed in this Schedule remains unchanged and transferred as existing to permit reference IPPC/A2/05/2025/V1 attached.</i>	With immediate effect from the date of this Notice.

Signed on behalf of Barnsley Metropolitan Borough Council:



Date: 27.02.2025

Carrie Abbott
Service Director Public Health & 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 2016 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 2016 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 2016 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
Environment Appeals Team
3A Eagle 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.