

Pollution Prevention and Control Act 1999

**The Environmental Permitting
(England and Wales) Regulations 2016**



INSTALLATION PERMIT

REF – PPC/PFS/08/14/1

**Permit to carry on
The unloading of petrol into
Storage at a Service Station**

**Motor Fuel Ltd
Oulton Broad Service Station
Normanston Drive
Lowestoft
NR32 2PY**

Signed..... Date.....

Environmental Health Officer
Authorised to sign on behalf of Waveney District Council

**Pollution Prevention and Control Act 1999
The Environmental Permitting (England and Wales) Regulations 2016**

Permit Reference No. PPC/PFS/08/14/1

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Section One

Introductory Note & Description of Permitted Installation

**Pollution Prevention and Control Act 1999
The Environmental Permitting (England and Wales) Regulations 2016**

Permit Reference No. PPC/PFS/08/14/1

Introductory Note

Permit Holder:	Shell Oulton Broad (262)
Installation Address:	Normanston Drive Lowestoft NR32 2PY
Registered Address of Company:	Motor Fuel Ltd Clock House Court 5-7 London Road St. Albans Herts AL1 1LA

Provenance	Date
Application for Authorisation (EPA 90)	16 th November 1998
Authorisation Issued	19 th November 1998
Authorisation Reviewed	20 th November 2002
Permit deemed application	1 st April 2003
Permit Issued	18 th January 2008
Permit Transferred	16 th October 2017

Motor Fuel Ltd is hereby permitted by the Waveney District Council to carry on Unloading into Storage of Petrol at a Service Station, as prescribed in Section 1.2 Part B of Schedule 1, The Environmental Permitting (England and Wales) Regulations 2016 at the above Installation and in accordance with the conditions detailed in Section 2 of this Permit.

Process Description

- The EC Stage 1 Petrol Vapour Recovery Directive is implemented in part by prescribing the process for Local Authority Air Pollution Control under the Pollution Prevention Control Act 1999.
- Unloading of petrol into storage at service stations or terminals is, prescribed for Local air pollution prevention and control, LAPPC, under section 1.2 Part B of Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2016.
- Deliveries of petrol can occur at any time and may occur outside normal operating hours. Deliveries are directly supervised by a service station operator or can be controlled entirely by the road tanker driver if the site has Driver Controlled Delivery (DCD) facilities. In the Approved Code of Practice and Guidance on Unloading Petrol from Road Tankers (L133), reference is made to unloading “where the tanker driver is assisted” and “where the tanker driver is unassisted”.
- Petroleum is delivered to the site in bulk tankers and is transferred to the underground storage tanks as required. Transfer is by gravity through vapour tight hoses. Vapour displaced by the petrol is returned to the tanker via vapour tight hoses (Stage I Vapour Recovery).
- The integrity of the system is maintained by a pressure vacuum relief valve on the vent pipes, which prevents discharges during filling. In order to maintain the integrity of the system the maximum number of tanker compartments that can be discharged simultaneously is **two**.
- There are also petrol vapour emissions associated with the filling of vehicle petrol tanks at service stations. Controls for abating such emissions are termed “Stage II controls”. Under the 1991 United Nations Economic Commission for Europe Protocol to the 1979 Convention on Long- Range Transboundary Air Pollution Concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes (referred to herein as the UN ECE VOCs Protocol), the United Kingdom is obliged to introduce controls to ensure that such emissions are recovered. This obligation has been given effect by SI 2006, No. 2311.
- In relation to provisions for Stage II controls, this note does not apply to existing service stations where the throughput of petrol does not exceed 3500m³ in any 12-month period.

Section Two

Permit Conditions

Pollution Prevention and Control Act 1999
The Environmental Permitting (England and Wales) Regulations 2016

Permit Reference No. PPC/PFS/08/14/1

The conditions contained within this Permit are based upon Guidance Note PG 1/14(06) Unloading of Petrol into Storage at Service Stations.

- 1 Vapours displaced by the delivery of petrol into storage tanks shall be returned through a vapour-tight connection line to either the mobile container delivering the petrol or a container on the site.
- 2 Petrol delivery shall only be carried out using the [Stage I] petrol vapour recovery system and deliveries shall only be made when the system is fully operational.
- 3 Motor vehicle refuelling with petrol shall only take place when the [Stage II] petrol vapour recovery system is fully operational and operating in accordance with the requirements of Condition 4.
- 4 The petrol vapour capture efficiency of the [Stage II] petrol vapour recovery system shall be equal to or greater than 85% but less than 115% as certified by the manufacturer in accordance with relevant European technical standards or type approval procedures.
- 5 Where the recovered petrol vapour is transferred to a storage tank, the vapour/petrol ratio shall be equal to or greater than 0.95 but less than or equal to 1.05.
- 6 Where an automatic monitoring system has been installed, the petrol vapour capture efficiency shall be tested and the results recorded at least once every three years by checking that the vapour/petrol ratio under simulated petrol flow conditions, or by any other appropriate methodology. Any such automatic monitoring system shall automatically detect faults in the proper functioning of the [Stage II] petrol vapour recovery system and in the automatic monitoring system itself, indicate faults to the operator and automatically stop the flow of petrol from any faulty dispenser if the fault is not rectified within seven days.
- 7 Where automatic monitoring systems have not been installed the in-service petrol vapour capture efficiency of the [Stage II] petrol vapour recovery systems shall be tested the results recorded at least once a year by checking that the vapour/petrol ratio under simulated petrol flow conditions, or by any other appropriate methodology.

- 8 Where automatic monitoring systems have not been installed a *weekly functionality check* shall be undertaken to verify the operation of the vapour recovery system.
- 9 A sign, sticker or other notification shall be displayed on, or in the vicinity of, the petrol dispenser, informing consumers that a [Stage II] petrol vapour recovery system is in use.
- 10 In the event of any incident at the site which could have an impact beyond the site boundary, the operator shall notify Council by telephone without delay.
- 11 A copy of this permit shall be kept at the permitted installation. All staff who should be aware of its content shall be told where it is kept.
- 12 All relevant staff shall receive the necessary training and instruction to enable them to comply with the conditions of this permit.
- 13 The operator shall notify the Council of any changes to the persons nominated in the application as the primary point of contact, and deputy.
- 14 Maintenance and testing of vapour recovery systems shall be recorded.
- 15 All records made in compliance with this permit shall be kept in a written or computer log book or by using some other systematic method, and shall be clear and legible. If any entry is amended, a clear statement of the reason for doing so shall be included. Unless otherwise stated in this permit, all records required to be taken shall be kept available for inspection for at least 4 years from the date of its being made. A copy of the manufacturer's instructions referred to in this permit shall be available for inspection on request.
- 16 The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.
- 17 If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition 'change in operation' means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

Section Three

Location of Permitted Installation

Location of Permitted Installation



Oulton Broad
Normanston Drive
Lowestoft
NR32 2PY

Section Four

Explanatory Notes And Appeals Procedure

Waveney District Council
The Pollution Prevention Control Act 1999
The Environmental Permitting [England and 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 Waveney District Council. These notes **do not** form part of the Permit or conditions attached to it.*

1. BEST AVAILABLE TECHNIQUES

Aspects of the operation of the installation which are not regulated by conditions of the Permit are still subject to the Operator using the best available techniques for preventing or, where that is not practicable, reducing emissions from the installation.

Techniques include both the technology used and the way in which the installation is designed, built, maintained, operated, and decommissioned.

The Permit Conditions require the Operator to use Best Available Techniques (BAT), in each of the aspects of the management of the installation, to prevent and where that is not practicable to reduce emissions. The Conditions do not explain what 'BAT' is! In determining 'BAT', the Operator should pay particular attention to relevant sections of the Process Guidance Notes **1/14(13) – Statutory guidance for unloading of petrol into storage, and motor vehicle refuelling, at service stations.**

2. STATUTORY REQUIREMENTS

This Permit is issued under Regulation 13 of the Environmental Permitting (England & Wales) Regulations 2016 and 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

The Council is required to maintain a Public Register containing information on all LAPPC installations and mobile plant. The register is available for inspection by the public free of charge during office hours (Monday to Friday 9.00am to 5.00pm) at the Council Office.

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. 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.

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.

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

In accordance with regulation 66 of the Environmental Permitting (England & Wales) Regulations 2016, the holder of a permit is required to pay a fee for the subsistence of the Permit. This fee is payable annually on 1st April.

6. TRANSFER OF PERMITS

Under the provisions of regulation 21 of the Environmental Permitting (England & Wales) Regulations 2016, where you wish to transfer the Permit to another person (the proposed transferee) then the operator and the proposed transferee shall jointly make an application to the Council. The council will determine the transfer application within 2 months. A fee may also be payable. For further details on this please contact the Council.

7. SURRENDER OF THE PERMIT

Where an Operator intends to cease the operation of an installation (in whole or in part) the Environmental Protection Team at Waveney District Council should be informed in writing, such notification must include the information specified in Regulation 24 or 25 of the 2016 Regulations.

8. PROCESS CHANGES

This Permit may be varied by the Council in future to take in changes recommended within updated Process Guidance notes. If at any time the process or any aspect of the activity regulated by this permit changes such that the conditions no longer reflect the activity and require alteration. You must notify the Environmental Protection Team at Waveney District Council. The 'Provenance/Status Log' within the introductory note will include summary details of each permit variation date issued.

If the change could result in a breach of the existing permit conditions or is likely to require a SUBSTANTIAL CHANGE to the installation you will be required to submit an application and pay the relevant fee. You should notify the Council 14 days before undertaking any such changes in the installation operation. If you have any doubt as to the changes being

substantial you should seek the opinion of the Council before you proceed with application.

9. APPEALS

Anyone who is aggrieved by the conditions attached to a Permit can appeal to the Secretary of State for the Environment. Appeals must be made in accordance with the requirements of Regulation 31 and Schedule 6 of the Environmental Permitting (England and Wales) Regulations 2016. The right to appeal does not apply in circumstances where a notice implements a Direction of the Secretary of State given under Regulations 61 or 62 or a direction or when determining an appeal.

Appeals must be received by the Appeal Body at the following address no later than 2 months from the date of the Notice being appealed against.

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

Tel: 0303 444 5000
email: enquiries@pins.gsi.gov.uk

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.

The appeal must be in the form of a written notice or letter stating that the person wishes to appeal against the conditions of the Permit. The following items must be included:-

- a written notice;
- 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 hearing;
- a copy of the 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.
- 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 Environmental Permitting (England and Wales) Regulations 2016, and provide relevant details, see below. Unless such information is provided, all documents submitted will be open to inspection.

An appeal will not suspend the effect of the Permit or its conditions, the Permit must still be complied with.

Apportioning 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 paragraph 5(6) of Schedule 6 of the Environmental Permitting (England and Wales) Regulations 2016, 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.

10. Secretary of State's Guidance

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

PG Note 1/14(13) Statutory guidance for unloading of petrol into storage, and motor vehicle refuelling, at service stations	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/582783/unloading-petrol-into-storage-and-motor-vehicle-refuelling-at-service-stations-process-guidance-note-1-14-13 .pdf
General Guidance Manual on Policy and Procedures for A2 and B Installations	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211863/env-permitting-general-guidance-a.pdf
Environmental Permitting (England & Wales) Regulation 2016	https://www.legislation.gov.uk/uksi/2016/1154/content/s/made
Pollution Prevention and Control Act 1999	https://www.legislation.gov.uk/ukpga/1999/24/contents

11. 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

Waveney District Council
Environmental Health
Riverside
4 Canning Rd

Lowestoft
NR33 0EQ

By Telephone

During office hours: 01502 562111

Out of Hours: 01502 527132

Email :- environment@eastsoffolk.gov.uk