CITY OF WOLVERHAMPTON COUNCIL

Variation Notice

Environmental Permit ref. no: B/1.2/131
Variation Notice ref. no: B/1.2/131/V1.

Pollution Prevention and Control Act 1999

Environmental Permitting (England and Wales) Regulations 2016, Regulation 20

To: Motor Fuel Limited, 10 Bricket Road, St Albans, Herefordshire, AL1 3JX

City of Wolverhampton Council ("the Council"), in exercise of the powers conferred on it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016 ("the Regulations") hereby gives you notice as follows:

1. The Council has decided to vary the conditions of the permit reference B/1.2/124 granted under regulation 13(1) of the Regulations in respect of the operation of the installation at Penn Service Station, Warstones Road, Penn, WV4 4LD.

2. An overview of the variations to the permit and the date on which they shall take effect are specified in Schedule 1 of this notice. The details of the variation as varied by this notice is set out in Schedule 2.

Dated this 21st day of August 2024

(Signed*)___ _____
Emma L Waites
Senior Environmental Health Officer
Public Protection (Environmental Protection)
(*the Officer appointed for this purpose)

Status Log

Date	Activity	Reference Number
31.03.2006	Permit issued	**B/1.2/131**
24.04.2024	Permit Transfer	**B/1.2/131/T1**
15.08.2024	Permit Varied by variation notice	**B/1.2/131/V1**

Schedule 1

The variations to the permit	The date on which variation is to take place
The permit in its entirety including all conditions, maps & plans and appendices shall be deleted and the front cover, conditions, mapas shown in Schedule 2 shall be inserted.	Immediately

Dated this 21st day of August 2024

(Signed*)_____ _____

Senior Environmental Health Officer,
Public Protection (Environmental Protection)
(*the Officer appointed for this purpose)

CITY OF WOLVERHAMPTON COUNCIL

Environmental Permit

Permit No: B/1.2/131/V1.

PERMIT TO OPERATE AN INSTALLATION

Pollution Prevention and Control Act 1999

Environmental Permitting (England and Wales) Regulations 2016, SI 1154

Permit ref. no:

B/1.2/131/V1

Name and address of operator (A) permitted to operate the installation:

Motor Fuel Limited, 10 Bricket Road, St Albans, Herefordshire, AL1 3JX

Address of permitted installation (B):

60 Codsall Road, Tettenhall, Wolverhampton, WV6 9QP

Conditions:

The operator (A) is permitted to operate the activity listed in Chapter 1, Section 1.2 Part B of Part 2 of Schedule 1 to the Environmental Permitting Regulations 2016 SI 1154 at the installation (B) subject to the attached conditions.

The installation boundary mentioned in the permit conditions are shown on the plans attached to this permit.

Dated this 21st day of August 2024

(Signed*) _
Emma L Waites
Senior Environmental Health Officer
Public Protection - Environmental Protection
(*the officer appointed for this purpose)

Description of the Activity

The unloading of petrol into stationary storage tanks at a service station. The total quantity of petrol unloaded into such tanks at the service station in any 12-month period is likely to be 500m^3 or more

Motor vehicle refuelling activities using Petrol Vapour Recovery techniques (Referred to as Stage II and VR2 in this permit). The throughput of petrol at that service station in any 12-month period is or is intended to be in excess of 500m^3.

Vapour Recovery (VR) System

Petrol delivery and vapour return hoses, vapour recovery Stage II (VR2) system, and petrol tank vapour release points all as described in the site plans in Appendix 1.

Permit Conditions

Conditions

The person (**A**) is authorised to operate the activity at the installation (**B**) subject to the following conditions.

Petrol Delivery

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.

Motor Vehicle Refuelling

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. 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.

Incident Reporting

9. 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 on (01902) 551155.

Management

10. 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.

11. All relevant staff shall receive the necessary training and instruction to enable them to comply with the conditions of this permit.

12. The operator shall notify the Council of any changes to the persons nominated in the application as the primary point of contact, and deputy.

13. Maintenance and testing of vapour recovery systems shall be recorded.

14. 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.

Best available techniques

15. 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.

Process changes

16. 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 nature or functioning, or an extension, of the installation, which may have consequences for the environment.

Right to appeal

You have the right of appeal against this permit within 6 months of the date of the decision. You will normally be expected to pay your own expenses during an appeal.

You will be liable for prosecution if you fail to comply with the conditions of this permit. If found guilty, the maximum penalty for each offence if prosecuted in a Magistrates Court is £50,000 and/or 6 months' imprisonment. In a Crown Court it is an unlimited fine and/or 5 years' imprisonment.

Our enforcement of your permit will be in accordance with the Regulators' Compliance Code.

Definitions/ Explanations

In relation to this permit, any reference to the Council shall mean City of Wolverhampton Council.

In addition, any information shall be sent to: -

Public Health (Environmental Protection)
City of Wolverhampton Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1DA

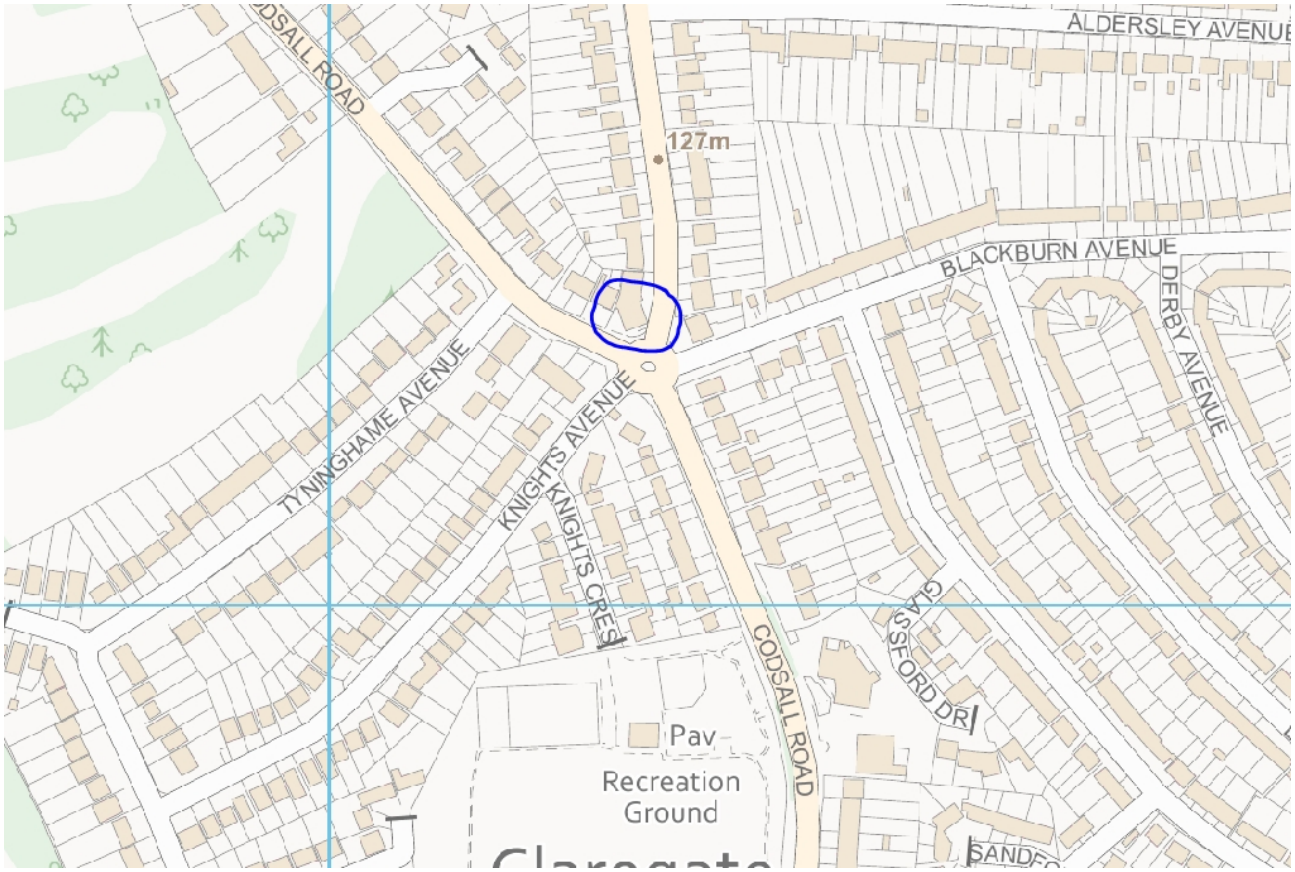
Dated this 21st day of August 2024

(Signed*)____ _____

Emma L Waites
Senior Environmental Health Officer,
Public Protection (Environmental Protection)
(*the Officer appointed for this purpose)

Appendix 1 Maps and Plans

Map 1 below:
General Site Location Plan Below (not to scale)



Key

General Site Location

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. Further guidance can be found in the Environmental Permitting General Guidance Manual at:

http://www.defra.gov.uk/environment/quality/industrial/las-regulations/guidance/)

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 previous variations. 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(1) (b) of the 2016 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 an unlimited fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in the 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 variation notification, 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 is detailed guidance on environmental permit appeals available on the GOV.UK website accessible at the following link:

https://www.gov.uk/government/collections/environmental-appeals

Notwithstanding the above guidance, the Regulations legally require the appellants (the person/operator making the appeal) to provide the following detail (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 confidentiality under regulation 48 of the 2016 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
Room 3/H Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN Tel: 0303 444 5584

E-mail: environment.appeals@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.

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 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 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 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 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.