



EP Permit ref: **PPC/B/10**
Variation ref: **V03/2012**

Barrow-in-Furness Borough Council

THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2010 (AS AMENDED), REGULATION 18 AND 20

VARIATION NOTICE

To **Barrow-in-Furness Borough Council, Town Hall, Barrow-in-Furness, Cumbria. LA14 2LD**

Barrow-in-Furness Borough Council ("the Council") , in the exercise of the powers conferred upon it by Regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010¹ ("the 2010 Regulations") hereby gives you notice as follows:

The Council has decided to vary the conditions of permit reference **PPC/B/10** granted under Regulation 13(1) of the 2010 Regulations in respect of the operation of the installation at

Thornccliffe Crematorium, Devonshire Road, Barrow-in-Furness, Cumbria. LA14 5PD

The variation of the conditions of the permit and the date(s) 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 Barrow-in-Furness Borough Council

.....
Environmental Health Manager
An authorised officer of the Council

Date: Wednesday 5th September 2012

¹ SI 2010/675

EP Permit ref: **PPC/B/10**
 Variation ref: **V03/2012**



SCHEDULE 1

VARIATION TO THE CONDITIONS OF THE PERMIT		DATE(S) ON WHICH THE VARIATION IS TO TAKE PLACE																				
Insertion of Conditions																						
Condition 3 inserted and reads: <i>From the 1st August 2013, the concentration limits (for substances), combustion provisions (for parameters) and monitoring requirements outlined in Table Three of Condition 4 shall apply to both cremators</i>		10 th September 2012																				
Condition 4 inserted and reads: <i>All pollutants shall be expressed in reference conditions: 273K, 101.3kPa and 11% oxygen v/v, dry gas unless otherwise stated.</i> TABLE THREE <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Row</th> <th>Substance</th> <th>Concentration limits</th> <th>Type of monitoring</th> <th>Monitoring frequency</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Hydrogen chloride (excluding particulate matter)</td> <td>200mg/m³ averaged over an hour</td> <td>Periodic Monitoring</td> <td>Annual</td> </tr> <tr> <td>2</td> <td>Total particulate matter from cremator (see note 1)</td> <td>80mg/m³ averaged over an hour for 95% of cremations and 160mg/m³ averaged over an hour for all cremations</td> <td>Qualitative Monitoring (see note 1) <ul style="list-style-type: none"> • Provide visual alarms and record levels and alarms Plus <ul style="list-style-type: none"> • Instrument health check Plus Periodic Monitoring <ul style="list-style-type: none"> • Use results to set reference levels for continuous emissions monitor (CEM) </td> <td>Continuous Plus Annual Plus Annual</td> </tr> <tr> <td>3</td> <td>Carbon monoxide</td> <td>100mg/m³ averaged over the first hour for 95% of cremations; and 200mg/m³ averaged over the first hour for all cremations</td> <td>Qualitative Monitoring <ul style="list-style-type: none"> • Record data at 15 second intervals or less • Provide visual alarms and record alarm events Plus Instrument Health check </td> <td>Continuous Plus Annual Plus Annual</td> </tr> </tbody> </table>		Row	Substance	Concentration limits	Type of monitoring	Monitoring frequency	1	Hydrogen chloride (excluding particulate matter)	200mg/m ³ averaged over an hour	Periodic Monitoring	Annual	2	Total particulate matter from cremator (see note 1)	80mg/m ³ averaged over an hour for 95% of cremations and 160mg/m ³ averaged over an hour for all cremations	Qualitative Monitoring (see note 1) <ul style="list-style-type: none"> • Provide visual alarms and record levels and alarms Plus <ul style="list-style-type: none"> • Instrument health check Plus Periodic Monitoring <ul style="list-style-type: none"> • Use results to set reference levels for continuous emissions monitor (CEM) 	Continuous Plus Annual Plus Annual	3	Carbon monoxide	100mg/m ³ averaged over the first hour for 95% of cremations; and 200mg/m ³ averaged over the first hour for all cremations	Qualitative Monitoring <ul style="list-style-type: none"> • Record data at 15 second intervals or less • Provide visual alarms and record alarm events Plus Instrument Health check	Continuous Plus Annual Plus Annual	10 th September 2012
Row	Substance	Concentration limits	Type of monitoring	Monitoring frequency																		
1	Hydrogen chloride (excluding particulate matter)	200mg/m ³ averaged over an hour	Periodic Monitoring	Annual																		
2	Total particulate matter from cremator (see note 1)	80mg/m ³ averaged over an hour for 95% of cremations and 160mg/m ³ averaged over an hour for all cremations	Qualitative Monitoring (see note 1) <ul style="list-style-type: none"> • Provide visual alarms and record levels and alarms Plus <ul style="list-style-type: none"> • Instrument health check Plus Periodic Monitoring <ul style="list-style-type: none"> • Use results to set reference levels for continuous emissions monitor (CEM) 	Continuous Plus Annual Plus Annual																		
3	Carbon monoxide	100mg/m ³ averaged over the first hour for 95% of cremations; and 200mg/m ³ averaged over the first hour for all cremations	Qualitative Monitoring <ul style="list-style-type: none"> • Record data at 15 second intervals or less • Provide visual alarms and record alarm events Plus Instrument Health check	Continuous Plus Annual Plus Annual																		

			Plus Periodic Monitoring <ul style="list-style-type: none"> Validation of continuous emissions monitor (CEM) output through comparison with periodic test results 	
4	Organic compounds (excluding particulate matter) expressed as carbon	20mg/m ³ averaged over an hour of cremation	Periodic Monitoring	Annual
If the combustion provisions in Rows 7- 9 are not met, then the dioxin emission limit and monitoring provision in the row 5 shall be applied				
5	PCDD/F On existing processes for cremators that don't meet the combustion provisions above	1ng/m ³ as ITEQ	Periodic monitoring <ul style="list-style-type: none"> Continuous monitoring of any temperature, oxygen and flow parameters that apply during dioxin tests should be required by the permit Interlock to prevent cremator loading unless those parameters are met. 	Upon commissioning of new or replacement cremators
Concentration limits for cremated remains reduction plant (regulators) venting externally are given in Row 6				
6	Particulate matter from cremated remains reduction plant that vents externally	50mg/m ³ with no correction for oxygen concentration or water vapour	Gross Filter failure detection <ul style="list-style-type: none"> Instrument Health Check 	Testing at commissioning Service interval as specified by manufacturer
Row	Parameter	Combustion provision	Type of monitoring	Monitoring Frequency
7	Temperature	Minimum of 1123K (850°C)	<ul style="list-style-type: none"> Measure at the exit of the secondary combustion zone (measuring point should be the last measuring thermocouple) Automatically record temperatures Visual alarm when temperature falls below 1123K Interlock to prevent cremator loading to operate when temperature and combustion provisions in Row 7-9 are not met 	Continuous
8	Residence time	2 seconds residence time (minimum) in the secondary chamber without correction for temperature, oxygen or water vapour	Measurement and calculation of the volume rate of the flue gases throughout the cremation cycle at the cremator exit	On commissioning of new or replacement cremators
9	Oxygen	At the end of the secondary combustion chamber; measured dry, 6% average and 3% minimum	<ul style="list-style-type: none"> Monitor and record of concentration at outlet of secondary combustion zone Visual alarm and record activations During discontinuous tests, continuous reference oxygen measurements should be at the same sampling location as the parameters tested 	Continuous

<p>Note 1 - the term "qualitative" monitoring refers to those particulate continuous emissions monitors (CEM) where the instrument response shall be correlated to the results of multiple isokinetic gravimetric samples according to the standard reference method (SRM) which is typically EN-13284-1. See also paragraphs 4.4 – 4.11 and Table 5 of the process guidance note.</p>	
<p>Condition 9 inserted and reads:</p> <p><i>All continuous emissions monitoring shall provide reliable data >95% of the operating time. A manual or automatic procedure shall be in place to detect instrument malfunction and to monitor instrument availability.</i></p>	<p>10th September 2012</p>
<p>Condition 10 inserted and reads:</p> <p><i>The introduction of dilution air to achieve emission concentration limits shall not be permitted</i></p>	<p>10th September 2012</p>
<p>Condition 19 inserted and reads:</p> <p><i>From 1st August 2013, for temperature and oxygen, the operator shall report the following continuous monitoring values to the regulator every 6 months</i></p> <ul style="list-style-type: none"> ▪ <i>Secondary chamber entrance temperature, 4-weekly/monthly maximum and minimum (of 5 minute averages)</i> ▪ <i>Secondary chamber exit temperature, 4-weekly/monthly maximum and minimum (of 5 minute averages)</i> ▪ <i>Oxygen concentration, 4-weekly/monthly minimum (of 5 minute averages)</i> 	<p>10th September 2012</p>
<p>Condition 20 inserted and reads:</p> <p><i>Where values in Condition 17, 18 and/or 19 have been exceeded in any 4-weekly/monthly or 6-monthly reporting period, records shall be kept that identify the number of times that the limit was exceeded during the reporting period, the levels of exceedance, and the time, date and cremation reference. This data shall be kept and available for inspection by the regulator.</i></p>	<p>10th September 2012</p>
<p>Condition 26 inserted and reads:</p> <p><i>Within 3 months, the operator shall provide a list of key arrestment plant and shall have a written procedure for dealing with its failure, in order to minimise any adverse effects.</i></p>	<p>10th September 2012</p>
<p>Condition 29 inserted and reads:</p> <p><i>The operator shall keep records of quarterly gas consumption for inspection by the regulator. Consumption shall be converted into CO₂ equivalent emissions using the following conversion equation:</i></p> <p><i>Gas Usage (kWh) x conversion factor – kgCO₂e</i></p>	<p>10th September 2012</p>

Condition 33 inserted and reads: <i>Packaging for stillbirth, neonatal and foetal remains shall not include any chlorinated plastics.</i>	10 th September 2012																				
Condition 49 inserted and reads: <i>The operator shall keep an audited list of essential items that relate to Condition 48.</i>	10 th September 2012																				
Condition 50 inserted and reads: <i>The operator shall maintain a plan for dealing with emergencies which give rise to mass fatalities, which shall address the holding of additional spares and consumables and training of suitable numbers of staff. Such plan shall be made available for inspection.</i>	10 th September 2012																				
Deletion of Conditions																					
n/a																					
Amendment of Conditions																					
Condition 1 shall be amended to read: <i>The emission limits and other provisions outlined in Tables One and Two of Condition 2 shall apply to both cremators until 31st July 2013.</i>	10 th September 2012																				
Condition 2 shall be amended to read: <i>All pollutants shall be expressed in reference conditions: 273K, 101.3kPa and 11% oxygen v/v, dry gas unless otherwise stated</i>	10 th September 2012																				
<p>TABLE ONE</p> <table border="1"> <thead> <tr> <th>Substance</th> <th>Concentration limits</th> <th>Type of monitoring</th> <th>Monitoring frequency</th> </tr> </thead> <tbody> <tr> <td>Hydrogen chloride (excluding particulate matter)</td> <td>200mg/m³ averaged over an hour</td> <td>Extractive test, BS EN 1911 parts 1 to 3</td> <td>Annual</td> </tr> <tr> <td rowspan="2">Total particulate matter</td> <td>80mg/m³ averaged over an hour for 95% of cremations and</td> <td>Provide visual alarms and record levels and alarms</td> <td>Continuous indicative</td> </tr> <tr> <td>160mg/m³ averaged over an hour for all cremations</td> <td>Manual extractive test, BS ISO 9096:2003</td> <td>Annual</td> </tr> <tr> <td rowspan="2">Carbon monoxide</td> <td>100mg/m³ averaged over the first hour for 95% of cremations and</td> <td rowspan="2"> <ul style="list-style-type: none"> ▪ Record data at less than 10 second intervals ▪ No more than 3 cremators per analyser ▪ Provide visual alarms and record alarm events ▪ BS ISO 12039 </td> <td>Continuous indicative</td> </tr> <tr> <td>200mg/m³ averaged over the first hour for all cremations</td> <td>Annual test</td> </tr> </tbody> </table>		Substance	Concentration limits	Type of monitoring	Monitoring frequency	Hydrogen chloride (excluding particulate matter)	200mg/m ³ averaged over an hour	Extractive test, BS EN 1911 parts 1 to 3	Annual	Total particulate matter	80mg/m ³ averaged over an hour for 95% of cremations and	Provide visual alarms and record levels and alarms	Continuous indicative	160mg/m ³ averaged over an hour for all cremations	Manual extractive test, BS ISO 9096:2003	Annual	Carbon monoxide	100mg/m ³ averaged over the first hour for 95% of cremations and	<ul style="list-style-type: none"> ▪ Record data at less than 10 second intervals ▪ No more than 3 cremators per analyser ▪ Provide visual alarms and record alarm events ▪ BS ISO 12039 	Continuous indicative	200mg/m ³ averaged over the first hour for all cremations
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Hydrogen chloride (excluding particulate matter)	200mg/m ³ averaged over an hour	Extractive test, BS EN 1911 parts 1 to 3	Annual																		
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Carbon monoxide	100mg/m ³ averaged over the first hour for 95% of cremations and	<ul style="list-style-type: none"> ▪ Record data at less than 10 second intervals ▪ No more than 3 cremators per analyser ▪ Provide visual alarms and record alarm events ▪ BS ISO 12039 	Continuous indicative																		
	200mg/m ³ averaged over the first hour for all cremations		Annual test																		

Organic compounds (excluding particulate matter) expressed as carbon	20mg/m ³ averaged over an hour of cremation	BS EN 12619 up to 20mg/m ³ BS EN 13256 over 20mg/m ³	Annual test
Particulate matter from cremated remains reduction plan that vents externally	50mg/m ³ with no correction for oxygen concentration or water vapour	Manual extractive	On commissioning

TABLE TWO

Parameter	Combustion provision	Type of monitoring	Monitoring Frequency
Temperature	Minimum of 1123K (850°C) in the secondary combustion chamber	<ul style="list-style-type: none"> ▪ Measure at the entrance and after the exit from the secondary combustion zone ▪ Automatically record temperatures ▪ Visual alarm when temperature falls below 1123K ▪ Interlock to prevent cremator overloading 	<ul style="list-style-type: none"> ▪ Continuous ▪ Continuous ▪ Record alarm activations ▪ To operate when temperature and combustion provisions for residence time and oxygen are not met
Residence time	2 seconds residence time in the secondary chamber without correction for temperature, oxygen or water vapour	Measurement and calculation of the volume rate of the flue gases throughout the cremation cycle at the cremator exit	On commissioning
Oxygen	At the end of the secondary combustion chamber, measured wet or dry, minimum average 6% and minimum 3%	<ul style="list-style-type: none"> ▪ Monitor and record of concentration at outlet of secondary combustion zone ▪ Visual alarm and record alarm activations ▪ During discontinuous tests, continuous reference oxygen measurements should be at the same sampling location as the parameters tested 	<p>Continuous</p> <p>Activate alarms when oxygen falls below provision</p>
If the above combustion provisions are not met, then the dioxin emission limit and monitoring provision in the row below should be applied			
PCDD/F On existing processes for cremators that don't meet the combustion provisions above	1ng/m ³ as ITEQ	<p>Extractive, BS EN 1948 parts 1 to 3.</p> <p>Temperature, oxygen and any flow parameters that apply during the dioxin tests, should be required by the permit.</p> <p>Interlock to prevent cremator loading unless those parameters are met</p>	<p>On commissioning</p> <p>Continuous</p>

Condition 15 renumbered to become Condition 5

10th
September
2012

Condition 16 renumbered to become Condition 6 and amended to read:

Instruments shall be fitted with a visual alarm to warn the operator of arrestment plant failure or malfunction.

10th
September
2012

Condition 17 renumbered to become Condition 7	10 th September 2012
Condition 18 renumbered to become Condition 8 and amended to read: <i>All continuous monitors shall be operated, maintained and calibrated in accordance with the manufacturer's instructions, which shall be made available for inspection by the regulator. The relevant maintenance and calibration shall be recorded.</i>	10 th September 2012
Condition 24 shall be renumbered to become Condition 11 and read: <i>The operator shall ensure that adequate facilities for sampling are provided on vents or ducts.</i>	10 th September 2012
Condition 25 shall be renumbered to become Condition 12	10 th September 2012
Condition 3 shall be renumbered to become Condition 13	10 th September 2012
Condition 5 shall be renumbered to become Condition 14	10 th September 2012
Condition 6 shall be renumbered to become Condition 15	10 th September 2012
Condition 7 shall be renumbered to become Condition 16	10 th September 2012
Condition 20 shall be renumbered to become Condition 17 and amended to read: <i>For each cremator, every 6 months a report shall be submitted containing the following continuous monitoring data for carbon monoxide and particulate matter. The data shall be submitted covering each period of either four weeks or a calendar month:</i> <ul style="list-style-type: none"> ▪ <i>Monthly averages from the first hour of each cremation</i> ▪ <i>Values that exceed the 95% limit for each substance in that period for each cremation</i> ▪ <i>60 minute mean emission values that exceed the 100% limit for carbon monoxide and particulate matter in that period for each cremation</i> ▪ <i>A list of the highest 60 minute mean emission value for each period</i> ▪ <i>The 95-percentile value for each period</i> 	10 th September 2012

<p>Condition 21 shall be renumbered to Condition 18 and amended to read:</p> <p><i>Until 31st July 2013, for temperature and oxygen, the operator shall report the following continuous monitoring values to the regulator every 6 months</i></p> <ul style="list-style-type: none"> ▪ <i>Secondary chamber entrance temperature, 4-weekly/monthly maximum and minimum</i> ▪ <i>Secondary chamber exit temperature, 4-weekly/monthly maximum and minimum</i> ▪ <i>Oxygen concentration, 4-weekly/monthly minimum (of 5 minute averages)</i> 	<p>10th September 2012</p>
<p>Condition 8 shall be renumbered to Condition 21 and amended to read:</p> <p><i>Emissions from cremations shall be free from visible smoke</i></p>	<p>10th September 2012</p>
<p>Condition 11 shall be renumbered to Condition 22</p>	<p>10th September 2012</p>
<p>Condition 12 shall be renumbered to Condition 23</p>	<p>10th September 2012</p>
<p>Condition 9 shall be renumbered to Condition 24</p>	<p>10th September 2012</p>
<p>Condition 10 shall be renumbered to Condition 25</p>	<p>10th September 2012</p>
<p>Condition 13 shall be renumbered to become Condition 27</p>	<p>10th September 2012</p>
<p>Condition 14 shall be renumbered to become Condition 28</p>	<p>10th September 2012</p>
<p>Condition 26 shall be renumbered to Condition 30</p>	<p>10th September 2012</p>
<p>Condition 27 shall be renumbered to Condition 31</p>	<p>10th September 2012</p>
<p>Condition 28 shall be renumbered to Condition 32</p>	<p>10th September 2012</p>
<p>Condition 29 shall be renumbered to Condition 34</p>	<p>10th September 2012</p>

Condition 30 shall be renumbered to Condition 35	10 th September 2012
Condition 31 shall be renumbered to Condition 36	10 th September 2012
Condition 32 shall be renumbered to Condition 37 and amended to read: <i>All cremators shall be designed to ensure complete combustion and shall be fitted with a secondary combustion zone.</i>	10 th September 2012
Condition 33 shall be renumbered to Condition 38	10 th September 2012
Condition 34 shall be renumbered to Condition 39	10 th September 2012
Condition 35 shall be renumbered to Condition 40	10 th September 2012
Condition 36 shall be renumbered to Condition 41	10 th September 2012
Condition 37 shall be renumbered to Condition 42	10 th September 2012
Condition 38 shall be renumbered to Condition 43	10 th September 2012
Condition 39 shall be renumbered to Condition 44	10 th September 2012
Condition 40 shall be renumbered to Condition 45	10 th September 2012
Condition 41 shall be renumbered to Condition 46	10 th September 2012
Condition 42 shall be renumbered to Condition 47	10 th September 2012
Condition 43 shall be renumbered to Condition 48 and amended to read: <i>The operator shall ensure that spares and consumables, in particular those</i>	10 th September 2012

<i>subject to continual wear, are held on site, or shall be available at short notice from guaranteed local suppliers, so that plant breakdowns can be rectified rapidly.</i>	
Condition 44 renumbered to become Condition 51	10 th September 2012
Condition 45 renumbered to become Condition 52	10 th September 2012
Condition 46 shall be renumbered to Condition 53 and amended to read: <i>A written maintenance and cleaning programme shall be kept with respect to pollution control equipment, including control instrumentation and the cremator secondary chamber, and ducts and flues. This written program shall be available on site for inspection by the regulator.</i>	10 th September 2012
Condition 47 renumbered to become Condition 54	10 th September 2012
Condition 49 renumbered to become Condition 55	10 th September 2012

Signed on behalf of Barrow-in-Furness Borough Council

.....
Environmental Health Manager
An authorised officer of the Council

Date: Wednesday 5th September 2012

EP Permit ref: **PPC/B/10**
Variation ref: **V03/2012**

SCHEDULE 2

Permit reference PPC/B/10 as varied by this notice.

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 PPC [General Guidance Manual](#).

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(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 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 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/Welsh Ministers given under regulations 61 or 62 or a direction 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 of the appeal. The Secretary of State/Welsh Ministers 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 the Secretary of State or Welsh Minister with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2010 Regulations):

- 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 2010 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 Team, Major and Specialist Casework
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Or for appeals in Wales:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

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 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/Welsh Ministers, 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/Welsh Ministers has decided the matter.