



**CHARNWOOD BOROUGH COUNCIL  
ENVIRONMENTAL PERMITTING (ENGLAND AND WALES)  
REGULATIONS 2016, REGULATION 18**

**PERMIT REFERENCE NO: 079**

**VARIATION NOTICE**

To: **Asda Express Limited**

Registered Office: **Asda House, Great Wilson Street, Leeds, LS11 5AD.**

Charnwood Borough Council ('The Council'), in exercise of the powers conferred upon it by Regulation 18 of the Environmental Permitting (England and Wales) Regulations 2016 ("the 2016 Regulations") hereby gives you notice as follows:-

The Council has decided to vary and consolidate the conditions of Permit Reference (Permit Ref) granted under regulation 13 (1) of the 2016 Regulations in respect of the activity of vapour recovery.

Operated by: **Asda Express PFS Hathern Turn**

At: **Derby Road, Hathern, Leicestershire, LE12 5LD**

Unless otherwise stated, the variations made by this Notice will come into effect immediately.

A consolidated permit as varied by this notice is set out in Schedule 1 attached.

Name	Date
Emma Hannigan	17/12/24

Authorised on behalf of Charnwood Borough Council

Issued by:  
Regulatory Services, Environmental Protection Southfields, Southfields Road,  
Loughborough, Leicestershire LE11 2TX

## EXPLANATORY NOTES

### Notes

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 Schedule attached to the notice explain which conditions have been amended, added or deleted and the dates on which these have effect.

The Council have included a 'consolidated permit', which takes into account these and previous variations.

### 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/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 2016 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 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 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 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.

## **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.

## **Advice**

If you do not understand the contents of this notice or would like to know more about it please contact the local authority. If you would like to receive independent advice about the contents of this notice, your rights and obligations then please contact a solicitor.

## **Warning**

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 or imprisonment for a term not exceeding 12 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 the Magistrates or Crown Court.

## **Data Protection**

For information about how & why we may process your personal data, your data protection rights or how to contact our data protection officer, please view our Privacy Notice [www.charnwood.gov.uk/pages/privacynotice](http://www.charnwood.gov.uk/pages/privacynotice)





CHARNWOOD BOROUGH COUNCIL

**POLLUTION PREVENTION AND CONTROL ACT 1999  
ENVIRONMENTAL PERMITTING (ENGLAND AND WALES)  
REGULATIONS 2016 (As Amended)**

**PERMIT REF. NO. 079**

Charnwood Borough Council hereby permits, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2010 (as amended)

**Asda Express Limited**

whose registered office is:

**Asda House, Great Wilson Street, Leeds, LS11 5AD.**

The unloading of petrol into storage at service stations at:

**Asda Express PFS Hathern Turn, Derby Road, Hathern, Leicestershire LE12 5LD**

(National Grid Ref: SK 499225 and shown in Appendix 1)

subject to the conditions outlined in this document. The conditions contained herein shall apply from the date of the Permit unless otherwise stated.

Name	Date
Emma Hannigan	17/12/24

Authorised on behalf of Charnwood Borough Council

Permit issued by:

Regulatory Services, Environmental Protection, Southfields, Southfields Road, Loughborough, Leicestershire LE11 2TX

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### **Activity description**

The unloading of petrol into storage tanks at a service station. The process comprises the following: Six storage tanks, including three diesel, delivery and vapour return hoses, vapour recovery system and tank vapour release point.

### **Conditions**

The Operator is authorised to operate the activity<sup>1</sup> at the installation 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.

#### **Incident Reporting**

3. In the event of any incident at the site which could have an impact beyond the site boundary, the operator shall notify the Council by telephone without delay on 01509 634636.

#### **Management**

4. 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.
5. All relevant staff shall receive the necessary training and instruction to enable them to comply with the conditions of this permit.
6. The operator shall notify the Council of any changes to the persons nominated in the application as the primary point of contact, and deputy.
7. Maintenance and testing of vapour recovery systems shall be recorded.
8. 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.

<sup>1</sup> listed in Section 1.2 Part B in Part 2 of Schedule 1 to the Environmental Permitting Regulations

**Best available techniques**

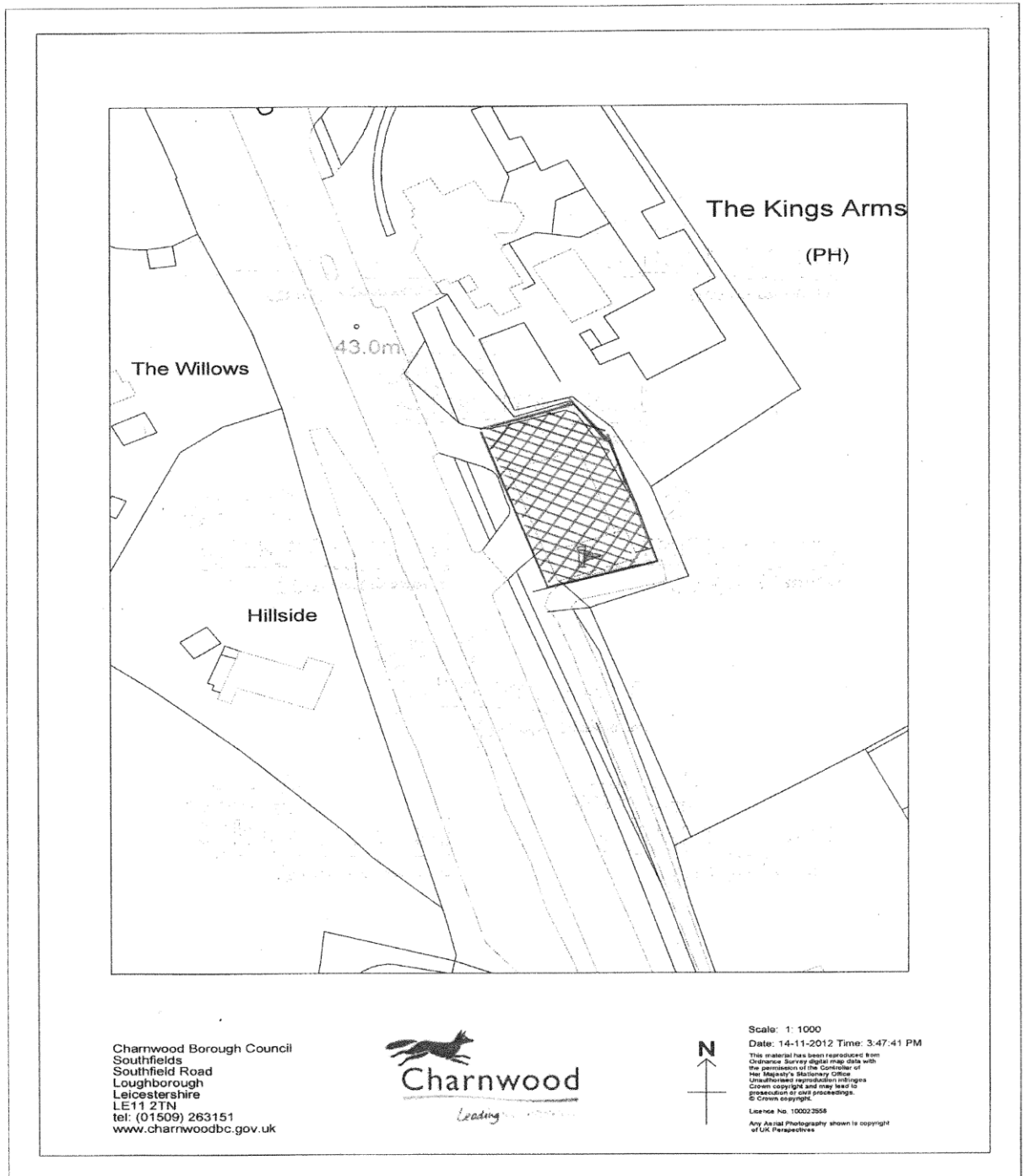
9. The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.

**Process changes**

10. 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.

Appendix 1

Site boundary







## Explanatory Notes

**These notes do not comprise part of the permit but contain guidance relevant to it.**

### Inspections

Regular inspections will be made by officers of Charnwood Borough Council (without prior notice), in order to check and ensure full compliance with this permit.

### BAT (Best Available Techniques)

The Permit includes conditions that have to be complied with. It should be noted that aspects of the operation of the installation which are not regulated by conditions of the Permit are subject to the implied condition that the Operator shall use 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.

### Change in Operation of the Installation

If you, the operator proposes to make a change in operation of the installation you must at least 14 days before making the change, notify Charnwood Borough Council 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. A 'change in operation' means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

### Health and Safety at Work and Other Statutory Requirements

The responsibility you have under legislation for Health, Safety and Welfare in the workplace remains in force. In addition, the Permit does not relieve you of your obligations to obtain planning permission, hazardous substances consent, discharge consent from the Environment Agency, Building Regulations approval, or some Waste Disposal Licences.

### Submission of Information

Note that the Permit requires the submission of certain information to the Local Authority (LA). In addition, the LA has the power to seek further information at any time under the EP Regulations provided that it acts reasonably.

### Public Registers

Considerable information relating to Permits including the Application is available on public registers in accordance with the EP Regulations. Certain information may be withheld from public registers where it is commercially confidential or contrary to national security. The onus is on the Operator to provide a clear justification for each item to be kept from the register. Applications for information to be excluded from the Public Register on grounds of National Security should be made to the Secretary of State.

### Variations to the Permit

This Permit may be varied in the future (by the LA serving a Variation Notice on the Operator). If the Operator itself wants any of the Conditions of the Permit to be changed, it must submit a formal Application. The Status Log within the Introduction will include summary details of this Permit, variations issued up to that point in time and state whether a consolidated version of the Permit has been issued.

### Surrender of the Permit

Where the Operator intends to cease the operation of an installation (in whole or in part) The LA should be informed in writing, such notification must include the information specified in the EP Regulations.

### Transfer of the Permit or part of the Permit

Before the Permit can be wholly or partially transferred to another person, an Application to transfer the Permit has to be made jointly by the existing and proposed holders. A transfer will be allowed unless the LA considers that the proposed holder will not be the person who will have control over the operation of the installation or will not comply with the conditions of the transferred Permit.

### Annual Subsistence Fee

Under the EP Regulations 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. You are advised that under the provisions of the EP Regulations, if you fail to pay the fee due promptly, Charnwood Borough Council may revoke the permit. You will be contacted separately each year in respect to this payment.

### Talking to us

Please quote the Permit Number if you contact Charnwood Borough Council about this Permit. To contact Charnwood Borough Council please use the telephone number 01509 634636 or any other number notified in writing to the Operator by Charnwood Borough Council for that purpose.

### **Right To Appeal**

Anyone who is aggrieved by the conditions attached to a Permit can appeal to the Secretary of State. Appeals must be sent within 6 months from the date of the permit (normally the date on the bottom of the permit).

Appeals should be addressed as follows:-

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

An appeal will not suspend the effect of the conditions appealed against; the conditions must still be complied with.

There are no forms or charges for appealing. However for an appeal to be valid, appellants are legally required to provide information detailed below:

- i. A statement of the grounds of appeal
- ii. A copy of any relevant permit
- iii. A copy of any relevant correspondence between the appellant and the regulator
- iv. 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.

At the same time, the notice of appeal and documents (i) and (iv) must be sent to the Council.

In determining an appeal against one or more conditions, the Regulations allow the Inspector or Secretary of State to affirm or quash conditions or to add new conditions.

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 an unlimited fine and/or 12 months imprisonment. In a Crown Court it is an unlimited fine and/or a 5 years imprisonment.

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