



## **POLLUTION PREVENTION AND CONTROL ACT 1999**

### **PERMIT**

**Environmental Permitting (England and Wales) Regulations 2010  
(SI 2010 No. 675)**

**PERMIT NUMBER: B / 14 / 3.1 (B) (b)**

North West Leicestershire District Council (hereinafter referred to as the "Council") in the exercise of the powers conferred upon it by Regulation 13 of the Environmental Permitting (England and Wales) Regulations 2010 hereby authorises

**K. Borley & Son Limited**

**Registered Office Address:** 90 Donisthorpe Lane, Moira, Swadlincote, Derbyshire. DE12 6BB.

**Company Registration Number:** 1692617

**Ordnance Survey Grid Reference:** SK 43093138

**To Operate the Installation at:** Willow Farm, off Donisthorpe Lane, Moira, Swadlincote, Derbyshire. DE12 6BB

to the extent authorised by and subject to the conditions of this Permit.

**Date of Original Application:** 21<sup>st</sup> February 1994

This Permit shall come into effect on the 15<sup>th</sup> November 2010

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**G.E. Crossley**  
*Environmental Services Manager*  
*(an Authorised Officer of the Council)*

Environmental Health  
North West Leicestershire District Council  
Council Offices  
Coalville. LE67 3FJ

# Contents

## Part One – General Conditions

<b>1.1</b>	<b>Information Notes</b>	<b>page 3</b>
<b>1.2</b>	<b>Records</b>	<b>page 3</b>
<b>1.3</b>	<b>Reporting</b>	<b>page 4</b>
<b>1.4</b>	<b>Notifications</b>	<b>page 5</b>
<b>1.5</b>	<b>Confidentiality</b>	<b>page 7</b>
<b>1.6</b>	<b>Variation to the Permit</b>	<b>page 7</b>
<b>1.7</b>	<b>Surrender of the permit</b>	<b>page 7</b>
<b>1.8</b>	<b>Transfer of the permit or Part of the Permit</b>	<b>page 8</b>
<b>1.9</b>	<b>Contact Details</b>	<b>page 8</b>
<b>1.10</b>	<b>Permit Conditions</b>	<b>page 8</b>
<b>1.11</b>	<b>Interpretation</b>	<b>page 9</b>

## Part Two – Installation Details

<b>1.0</b>	<b>Description of the Activity</b>	<b>page 10</b>
<b>2.0</b>	<b>Emission Limits and Controls</b>	<b>page 11</b>
<b>3.0</b>	<b>Monitoring, Sampling and Measurement of Emissions</b>	<b>page 11</b>
<b>4.0</b>	<b>Operational Controls</b>	<b>page 13</b>
<b>5.0</b>	<b>General</b>	<b>page 15</b>
	<b>Appendix 1</b>	<b>page 17</b>

# PART 1

## 1.1

### Information Notes

**1.1.1** This Permit is issued under Regulation 13 of the Environmental Permitting (EP) Regulations 2010 to operate an installation carrying out activities covered by the description in Section 3.1 (B)(b) in Part 2 to Schedule 1 of those Regulations:

**Blending, Packing, Loading, Unloading and Use of Bulk Cement.**

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

**1.1.3** Please note that other activities may take place on the site of this installation which are not regulated under this Permit.

**1.1.4** The activities authorised under Part 1 Clause 1.1.1 shall not extend beyond the site boundary.

## 1.2

### Records

**1.2.1** K. Borley & Son Limited shall ensure that all records required to be made by this Permit and any other records made by it in relation to the operation of the Permitted Installation shall:-

- (a) be made available for inspection by North West Leicestershire District Council at any reasonable time;
- (b) be supplied to North West Leicestershire District Council on demand and without charge;
- (c) be legible;
- (d) be made as soon as reasonably practicable;
- (e) indicate any amendments which have been made and shall include the original record wherever possible;
- (f) be retained at the Permitted Installation, or other location agreed by North West Leicestershire District Council in writing, for a minimum period of four years from the date when the records were made, unless otherwise agreed in writing; and

- (g) where they concern the condition of the site of the Installation or are related to the implementation of the Site Protection and Monitoring Programme, be kept at the Permitted Installation, or other location agreed by North West Leicestershire District Council in writing, until all parts of the Permit have been surrendered.

## **1.3**

## **Reporting**

- 1.3.1** All reports and written and/or oral notifications required by this Permit shall be made or sent to North West Leicestershire District Council using the contact details notified in writing to K. Borley & Son Limited by North West Leicestershire District Council.
- 1.3.2** K. Borley & Son Limited shall, unless otherwise agreed in writing, submit reports of the monitoring and assessment carried out in accordance with the conditions of this Permit to North West Leicestershire District Council within twenty-eight days of the publication of the results.
- 1.3.3** K. Borley & Son Limited shall review fugitive emissions, having regard to the application of Best Available Techniques, on an annual basis, or such other period as shall be agreed in writing by North West Leicestershire District Council and a summary report on this review shall be sent to North West Leicestershire District Council detailing such releases and the measures taken to reduce them within three months of the end of such period.
- 1.3.4** Where K. Borley & Son Limited has a formal environmental management system applying to the Permitted Installation which encompasses annual improvement targets, K. Borley & Son Limited shall, not later than 31st January in each year, provide a summary report of the previous year's progress against such targets.
- 1.3.5** K. Borley & Son Limited shall, within six months of receipt of written notice from North West Leicestershire District Council, submit to North West Leicestershire District Council a report assessing whether all appropriate preventative measures continue to be taken against air pollution, in particular through the application of the Best Available Techniques, at the Installation. The report shall consider any relevant published technical guidance current at the time of the notice which is either supplied with or referred to in the notice and shall assess the costs and benefits of applying techniques described in that guidance, or otherwise identified by K. Borley & Son Limited, that may provide environmental improvement.

## 1.4

## Notifications

**1.4.1** K. Borley & Son Limited shall notify North West Leicestershire District Council **without delay** of:-

- (a) the detection of an emission of any substance which exceeds any limit or criterion in this Permit specified in relation to the substance;
- (b) the detection of any fugitive emission which has caused, is causing or may cause significant pollution unless the quantity emitted is so trivial that it would be incapable of causing significant pollution;
- (c) the detection of any malfunction, breakdown or failure of plant or techniques which has caused, is causing or has the potential to cause, significant pollution; and
- (d) any accident which has caused, is causing or has the potential to cause, significant pollution.

**1.4.2** If any of the above could result in adverse health effects to the local population then K. Borley & Son Limited shall, in addition, report this matter directly to the Primary Care Trust.

**1.4.3** K. Borley & Son Limited shall submit written confirmation to North West Leicestershire District Council and the Primary Care Trust of any notification.

**1.4.4** K. Borley & Son Limited shall give written notification as soon as practicable prior to any of the following:-

- (a) permanent cessation of the operation of part or all of the Permitted Installation;
- (b) cessation of operation of part or all of the Permitted Installation for a period likely to exceed one year; and
- (c) resumption of the operation of part or all of the Permitted Installation after a cessation as notified above.

**1.4.5** K. Borley & Son Limited shall notify the following matters to North West Leicestershire District Council in writing within fourteen days of their occurrence:-

- (a) any changes to the details of the “nominated person”

and where K. Borley & Son Limited is a registered company:-

- (a) any change in K. Borley & Son Limited’s trading name, registered name or registered office address;

- (b) any change to particulars of K. Borley & Son Limited's ultimate holding company (including details of an ultimate holding company where an Operator has become a subsidiary); and
- (c) any steps taken with a view to K. Borley & Son Limited going into administration, entering into a company voluntary arrangement or being wound up;

and where K. Borley & Son Limited is a corporate body other than a registered company:-

- (a) any change in K. Borley & Son Limited's name or address; and
- (b) any steps taken with a view to the dissolution of K. Borley & Son Limited.

**1.4.6** In any other case:-

- (a) the death of any of the named Operators (where K. Borley & Son Limited consists of more than one named individual);
- (b) any change in K. Borley & Son Limited's name(s) or address(es); and
- (c) any steps taken with a view to K. Borley & Son Limited, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.

## **1.5**

## **Confidentiality**

- 1.5.1** Regulation 46 requires North West Leicestershire District Council to maintain a register of all installations and mobile plant for which it is the regulator. A considerable amount of information is contained on the register, including the application. If this Permit requires K. Borley & Son Limited to provide information to North West Leicestershire District Council, the Council shall place that information on to the Public Register in accordance with the requirements of Regulation 46. If K. Borley & Son Limited considers that any information provided is commercially confidential, it may apply to the Council to have such information withheld from the register, as provided in the Regulations. To enable the Council to determine whether or not the information is commercially confidential, K. Borley & Son Limited should clearly specify the information in question and provide clear and precise reasons for its confidentiality.

## **1.6**

## **Variation to the Permit**

- 1.6.1** This Permit may be varied in future (by the Council serving a Variation Notice on K. Borley & Son Limited) as per Regulation 20 of the EP Regulations. If K. Borley & Son Limited wishes to make a change in the operation of the installation he shall notify the Council. The notification must include a description of the proposed changes. If any changes to the conditions in the Permit are required a formal application to vary them must be submitted.
- 1.6.2** Any such change shall not be implemented until agreed in writing by North West Leicestershire District Council. As from the agreed implementation date, K. Borley & Son Limited shall operate the Permitted Installation in accordance with that change and relevant provisions in the application shall be deemed to be amended.

## **1.7**

## **Surrender of the Permit**

- 1.7.1** Before this Permit can be wholly or partially surrendered, an application to surrender the Permit has to be made. For the application to be successful, the application must contain the information required by Regulation 25 of the EP Regulations.

## **1.8 Transfer of the Permit or Part of the Permit**

- 1.8.1** 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, in accordance with Regulation 21 of the EP Regulations. A transfer will be allowed unless the Council 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. If however the Permit authorises the carrying out of a specified waste management activity then the transfer will only be allowed if the proposed holder is considered to be a “fit and proper person”.
- 1.8.2** There are no off-site conditions.

## **1.9 Contact Details**

- 1.9.1** If you require any further details or application forms mentioned above please contact North West Leicestershire District Council on 01530 454545 and ask to speak to an Environmental Health Officer.

## **1.10 Permit Conditions**

- 1.10.1** The requirements of the conditions attached to this Permit shall come into effect immediately unless otherwise stated.
- 1.10.2** The activity of blending cementitious materials for production of concrete shall comply with the standard of the Secretary of State’s Guidance Note **PG 3/1 (04)** “Blending, Packing, Loading, Unloading and Use of Bulk Cement”.
- 1.10.3** Without prejudice to the other conditions of this Permit, K. Borley & Son Limited shall implement and maintain a management system, organisational structure and allocate resources that are sufficient to achieve compliance with the limits and conditions of this Permit.
- 1.10.4** A nominated person shall, at all times, be responsible for the implementation of the conditions of this Permit. North West Leicestershire District Council shall be informed within twenty-one days of the issue of this Permit of the name of the nominated person.



**1.11.1** In this Permit, the following expressions shall have the following meanings:-

**“Application”** means the application for this Permit, together with any response to a notice served under Schedule 4 to the EP Regulations and any operational change agreed under the conditions of this Permit.

**“BAT”** Best Available Techniques, means the most effective and advanced stage of development of activities and their methods of operation which indicates the practical suitability of particular techniques to prevent, and where that is not practicable, to reduce, emissions and the impact on the environment as a whole. For these purposes: “available techniques” means “those techniques which have been developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible to K. Borley & Son Limited”: “best” means “in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole” and “techniques” “includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned”.

**“Fugitive emission”** means an emission to air from the Permitted Installation which is not controlled by an emission or background concentration limit under conditions 2.1 and 2.2 contained in Part 2 of this Permit.

**“Monitoring”** includes the taking and analysis of samples, instrumental measurements (periodic and continual), calibrations, examinations, tests and surveys.

**“EP Regulations”** means the Environmental Permitting (England and Wales) Regulations SI 2010 No. 675 and words and expressions defined in the EP Regulations shall have the same meanings when used in this Permit save to the extent they are specifically defined in this Permit.

**“Staff”** includes employees, directors or other officers of K. Borley & Son Limited and any other person under K. Borley & Son Limited’s direct or indirect control, including contractors.

**“Year”** means calendar year ending 31st December.

**1.11.2** Where any condition of this Permit refers to the whole or parts of different documents, in the event of any conflict between the wording of such documents, the wording of the document(s) with the most recent date shall prevail to the extent of such conflict.

# PART 2 – Installation Details

<b>1.0</b>	<b>Description of the Activity</b>
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## 1.1 THE ACTIVITY

The activity is described in Section 3.1 (B) (b) in Part 2 to Schedule 1 of those Regulations:

### **Blending, Packing, Loading, Unloading and Use of Bulk Cement.**

## 1.2 PROCESS DESCRIPTION

- 1.2.1 The raw materials used in the dry batching of cement at this works are; cement, natural aggregates and water.
- 1.2.2 Cement is delivered to site by bulk tanker and fed by pressurised airline into the free standing silo. The compartmented silo is capable of holding twenty-five tons of Ordinary Portland Cement. Dalmatic filters (reverse jet regeneration) and a high level audible alarm are fitted to the silo.
- 1.2.3 Natural aggregates are delivered to site and discharged into the ground level storage bays which are capable of holding fifty tons. The aggregates are fed to an overhead store by front loading shovel. The store holds up to ten tons of coarse aggregate.
- 1.2.4 Pre-weighed aggregates, from the weigh hopper located beneath the overhead store, are conveyor fed to the discharge hopper along with pre-weighed cement from the cement weigh hopper. Timed discharges of water, aggregates and cement are made into the mixer truck which then departs the site.
- 1.2.5 All operations will take place to the standards set out in Secretary of State's Guidance Note **PG 3 / 1 (04)** "Blending, Packing, Loading, Unloading and Use of Bulk Cement".

## 1.3 PLANT BOUNDARY DETAIL

- 1.3.1 The premises are located at Willow Farm, off Donisthorpe Lane, Moira and are shown edged green on the plan in **Appendix 1**.

## 2.0

## Emission Limits and Controls

2.1 The following emission limits shall apply:

- i) Whole process: No visible emissions of dust across the site boundary.
- ii) Silo inlets and outlets: No visible emissions.

2.2 The only point source of emissions is the silo top filter. This is designed to operate to an emission standard of **less than 10 mg/m<sup>3</sup>** for particulate matter and this level should not be exceeded.

## 3.0

## Monitoring, Sampling & Measurement of Emissions

3.1 K. Borley & Son Limited shall ensure that a responsible employee of the company is nominated to undertake all visual monitoring of emissions, or any other inspections required by this permit.

3.2 A log book shall be kept containing a record of all assessments, required by conditions **3.4, 3.5, 3.6, 3.7, 3.8, 3.9** and **3.10**. The record shall include the time and date of the assessment, the result, and the name of the person undertaking the assessment. In addition any corrective or remedial action must be recorded.

3.3 Records shall be kept of inspections, tests and monitoring, including all non-continuous monitoring, inspections and visual assessments. The records should be:

- i) kept on-site
- ii) kept by K. Borley & Son Limited for at least four years; and
- iii) made available for the regulator to examine

- 3.4** A visual emissions inspection of **5 minutes** duration shall be undertaken during each of the following activities:
- i) Bulk cement delivered by road tanker to a storage silo;
  - ii) Any historical records kept off-site should be made available for inspection within one working week of any request by the regulator.
- 3.5** The fabric bags, collars and floor of any reverse air jet filtration units, fitted to bulk storage silos, shall be inspected at least once every three months by a competent person. If defects are found, corrective action shall be taken prior to further deliveries being accepted.
- 3.6** Pressure relief valves fitted to bulk silos, shall be inspected on a weekly basis to ensure correct seating. Should a valve become unseated, no deliveries shall be made to the affected silo, until the defect has been rectified.
- 3.7** Audible and visual high level alarms fitted to silos shall be tested weekly to ensure correct operation.
- 3.8** A visual inspection of at least 1 delivery of batched product to a mixer truck shall be undertaken during every working day.
- 3.9** A visual assessment of the site (including the plant and yard areas) shall be undertaken during every working day.
- 3.10** Adverse results or emissions shall be investigated and identified immediately. When a cause of adverse emissions has been identified, corrective action must be taken.

**4.0****Operational Controls**

- 4.1** The bulk reception silo, used for the storage of cement must be fitted with the following:
- i) Fabric bag filtration units for the filtering of silo exhaust air, and;
  - ii) Audible and visual high level alarms.
- 4.2** All site operations shall be managed in a manner so as to minimise the generation of windborne particulates.
- 4.3** Mixer trucks shall be carefully positioned so that the receiving hopper achieves a good fit with the flexible rubber sock before delivery commences.
- 4.4** The water sprinkler system at the feed chute shall be operated for the duration of all deliveries made to mixer trucks. The system shall be inspected on a weekly basis to ensure that the spray is directed at the correct angle to maximise particulate containment, and to ensure that all water spray nozzles are free flowing.
- 4.5** All tankers delivering cement must be capable of delivery without over pressurisation of the reception silo. Tankers must depressurise either through the silo or via their own on-board system; in order to minimise dust emissions at all times.
- 4.6** Any addition of powdered admixtures to batches shall be undertaken in such a manner as to minimise the potential for dusty emissions.
- 4.7** Batched product shall only be delivered to mixer trucks and not for example to open-backed lorries, except via mixer truck with the addition of water.
- 4.8** All spillages of finely powdered material shall be cleaned as soon as practicable. Spillages of finely divided materials shall be cleared by wet methods. In the case of large or bulk spillages of fine material, cleaning should be carried out via the use of vacuum methods fitted with suitable arrestment.
- 4.9** Particular care shall be undertaken to ensure that any hydrochloric acid mists, produced as a result of vehicle or equipment washing, are not blown beyond the site boundary.

- 4.10** Roadways in normal use and any other area where there is regular movement of vehicles shall be hard surfaced, where appropriate and kept clean in order to prevent or minimise dust emissions. Where necessary, wheel cleaning facilities shall be provided and used by vehicles before leaving the site. Vehicle exhausts shall not, wherever practical, be directed below the horizontal.
- 4.11** Effective preventative maintenance shall be employed on all plant and the equipment concerned with the control of emissions to air. Essential spares and consumables shall be held on site or be available at short notice from a supplier in order to rectify breakdowns quickly.
- 4.12** Any malfunctions or breakdown leading to abnormal emissions shall be dealt with promptly and the process operations adjusted until normal operations can be restored. All such malfunctions shall be recorded in the log book. If there is likely to be an effect on the local community, North West Leicestershire District Council shall be informed without delay.
- 4.13** Key arrestment plant, the failure of which shall be notified to North West Leicestershire District Council immediately, includes the following:
- (a) reverse jet bag filters.

- 5.1** North West Leicestershire District Council are statutorily obliged to include conditions in any Permit they issue which are designed to ensure that the process is operated using the best available techniques (BAT) to prevent and minimise emissions of prescribed substances and to render harmless any substance that may be emitted.
- 5.2** In addition to the specified conditions included in this Permit, a duty is implicitly imposed on K. Borley & Son Limited to use BAT in relation to any aspect of the installation that is not covered by the specific conditions. This is the so-called 'residual' BAT duty. The Secretary of State's Process Guidance Notes (PGs) contain the Secretary of State's views on the techniques appropriate, in order to achieve the BAT objectives.
- 5.3** Essentially they relate to any aspect of the process not regulated by the specific conditions in this Authorisation and require that the best available techniques shall be used:-
- (a) for preventing the release of substances prescribed for air into the air or, where that is not practical by such means, for reducing the release into the air of such substances to a minimum and for rendering harmless any such substances which are so released, and
  - (b) for rendering harmless any other substances which might cause harm if released into the air.
- 5.4** Staff employed on the premises shall be given such information, training and supervision, as is necessary for the achievement of compliance with this Permit. Matters covered by such information in training shall include:-
- (a) start up and shut down of process operation,
  - (b) plant failure and other emergencies,
  - (c) inspection and monitoring procedures, as specified in these conditions.
- Adequate arrangements shall be made for deputising for the nominated person in the event of a holiday, sickness or other absence.
- 5.5** Nothing in this Permit shall be taken to imply a standard lower than that required under the provisions of the Health and Safety at Work etc. Act 1974, or under the relevant statutory provisions as defined in Section 53 of that Act.

**5.6** Safe access shall be provided to enable monitoring to be carried out by employees or contractors of the company, an authorised officer of North West Leicestershire District Council or any consultants employed by them.

**5.7** Effective control of emissions requires the maintenance and proper use of equipment, the proper supervision of process operations, good housekeeping standards and, where appropriate, checking for visible and odorous emissions. Effective preventative maintenance shall be employed on all plant and the equipment concerned with the control of emissions to air.

Essential spares and consumables – in particular those subject to continual wear – shall be held on site or be available at short notice from suppliers, in order to rectify breakdowns rapidly.

**5.8** The breakdown of the particulate arrestment plant shall be reported to North West Leicestershire District Council without delay

**5.9** A high standard of housekeeping shall be maintained.