



## **Permit with introductory note**

**NORTH EAST LINCOLNSHIRE COUNCIL**

**POLLUTION PREVENTION AND CONTROL ACT 1999  
Environmental Permitting Regulations 2016 (as amended)**

### **Installation address**

**Associated British Ports – Pad 5  
Pad 5 West Haven Way  
Immingham Dock  
Immingham  
North East Lincolnshire  
DN40 3LZ**

**Permit Reference: EP/20220001**

## **Introductory note**

*This introductory note does not form a part of the Permit*

The following Permit is issued under Regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016 (S.I.2016 No.1154) (“the EP Regulations”) to operate an installation carrying out one or more of the activities listed in Part 2 to Schedule 1 of those Regulations, to the extent authorised by the Permit.

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 those conditions shall be subject to best available techniques, 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 condition within the permit.

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

## **Confidentiality**

The Permit requires the Operator to provide information to North East Lincolnshire Council. The Council will place the information onto the public registers in accordance with the requirements of the EP Regulations. If the operator considers that any information provided is commercially confidential, it may apply to North East Lincolnshire Council to have such information withheld from the register as provided in the EP Regulations. To enable North East Lincolnshire Council to determine whether the information is commercially confidential, the Operator should clearly identify the information in question and should specify clear and precise reasons.

## **Variations to the permit**

Your attention is drawn to the Variation Notification Procedure condition in the permit. This Permit may be varied in the future. If at any time the activity or any aspect of the activity regulated by the following conditions changes such that the conditions no longer reflect the activity and require alteration, the Regulator should be contacted.

## **Surrender of the permit**

Where an Operator intends to cease the operation of an installation (in whole or in part) the regulator should be informed in writing, such notification must be made as specified in regulation 24(3) of the EP regulations.

## **Transfer of the permit or part of the permit**

Before the Permit can be wholly or partially transferred to another person, a joint application to transfer the Permit has to be made by both the existing and proposed holders, in accordance with Regulation 21 of the EP Regulations. A transfer will be allowed unless the Authority considers that the proposed holder will not be the person who will have control over the operation of the installation or will not ensure compliance with the conditions of the transferred Permit.

## **Responsibility under workplace health and safety legislation**

This Permit is given in relation to the requirements of the EP regulations. It must not be taken to replace any responsibilities you may have under Workplace Health and Safety legislation.

## **Appeal against permit conditions**

### **Right to Appeal**

You have the right of appeal against this permit within 6 months of the date of the decision. The Council can tell you how to appeal. 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."

Anyone who is aggrieved by the conditions attached to a Permit can appeal to the Secretary of State for the Environment, Food and Rural Affairs. Appeals must be made in accordance with the requirements of Regulation 31 and Schedule 6 of the EP Regulations.

Appeals should be received by the Secretary of State for Environment, Food and Rural Affairs. The address is as follows:

The Planning Inspectorate  
Environmental Team, Major & Specialist Casework  
Room 4/04 – Kite Wing  
Temple Quay House  
2 The Square, Temple Quay  
BRISTOL  
BS1 6PN  
Tel: 0117 372 8726  
Fax: 0117 372 8139

## **Please Note**

An appeal brought under Regulation 31 (1) (b) and Schedule 6, in relation to the conditions in a permit will not suspend the effect of the conditions appealed against; the conditions must still be complied with.

In determining an appeal against one or more conditions, the Act allows the Secretary of State in addition to quash any of the conditions not subject to the appeal and to direct the local authority either to vary any of these other conditions.

**End of introductory note**

**Permit issued under the Environmental Permitting Regulations (England and Wales) 2016 (as amended)**

**Permit**

**Permit Ref. No:** EP/20220001

North East Lincolnshire Council (the Regulator) in exercise of its powers under Regulation 13(1) of the Environmental Permitting Regulations 2016 (S.I.2016 No.1154) hereby permits.

**Associated British Ports** (“the operator”),

Whose registered office is:

**Associated British Ports  
25 Bedford Street  
London  
WC2E 9ES**

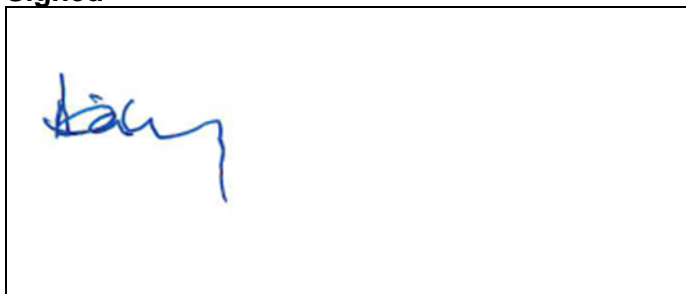
Company Registration. no: ZC000195

To operate an installation at:

**Associated British Ports – Pad 5  
Pad 5 West Haven Way  
Immingham Dock  
Immingham  
North East Lincolnshire  
DN40 3LZ**

to the extent authorised by and subject to the conditions of this Permit and within the boundary identified in Appendix 1, installation boundary.

**Signed**



Adrian Moody  
Licensing & Environmental Protection Manager

Authorised to sign on behalf of  
North East Lincolnshire Council

**Dated**

01/06/2022

### **Activity description**

Process for the crushing, grinding, screening, grading or mixing of coal, coke or any other coal product and the loading or unloading petroleum coke, coal, coke or any other coal product as listed in section 3.5 in Part 2 of Schedule 1 to the Environmental Permitting Regulations.

Coal, coke, petroleum coke and other coal products are delivered to the site via sheeted road vehicles. The coal, coke, petroleum coke and other coal products are tipped from the road vehicles and stockpiled into designated areas using front end loading shovels.

Stockpiles are inspected regularly during daily operations and dampened by environmental units as required. When weather conditions are such that fugitive dust emissions are likely to occur and for all long term stockpiles a polymer surfactant crusting agent will be used. Road sweepers will be used to keep roadways along routes travelled on the port estate clean.

Screening, blending and crushing of coal, coke, petroleum coke and other coal products shall cease when high wind speeds cause unacceptable dust levels.

Cargo is taken away from the site via sheeted vehicles, the loading is carried out by front end loading shovels with drop heights minimised as far as possible. All loaded vehicles will then pass through a wheel wash prior to leaving site.

The installation boundary and key items of equipment mentioned in permit conditions are shown in the plan attached to this permit.

### **Conditions**

#### **Emissions and monitoring**

1. No visible emissions of airborne dust or accumulations of particulate matter from the process or it's operation shall be emitted beyond the installation boundary.
2. All other releases to air, other than condensed water vapour, shall be free from persistent visible emissions. All emissions to air shall be free from droplets.
3. Visual assessments of emissions shall be made frequently, and at least once a day during operations. The time, location and result of these assessments shall be recorded. The Operator shall monitor the stockpiles, vehicle routes and any materials handling on a continuous basis during normal site operations and necessary remedial action carried out to prevent fugitive dust emissions.
4. Where, in the opinion of the regulator, there is evidence of airborne dust from the process off the site, the operator shall make their own inspection and assessment, and where necessary undertake ambient monitoring with the aim of identifying those process operations giving rise to the dust. The monitoring may either be by a British Standard method (such as BS dust

gauge sites) or by a method agreed with the regulator. In these situations, determination of wind direction will be required. Once the source of the emission is known, corrective action shall be taken without delay.

5. Regular weather forecasts shall be made and recorded. A current seven day, pro-active code is to be updated and placed on the Environmental Action Board. The ABP Dust Suppression Hazard Code Identifier submitted to the Regulator on the 12<sup>th</sup> April 2022 shall be used to prepare for potential difficult weather conditions.

## **Records**

6. The operator shall keep records of inspections, tests and monitoring, including all non-continuous monitoring, inspections and visual assessments. The records shall be:
  - kept on site
  - kept by the operator for at least two years; and
  - made available for the regulator to examine
7. If any records are kept off-site they shall be made available for inspection within one working week of any request by the regulator.

## **Information required by the regulator**

8. Adverse results from **any** monitoring activity (both continuous and non-continuous) shall be investigated by the operator as soon as the monitoring data has been obtained/received. The operator shall:
  - identify the cause and take corrective action.
  - clearly record as much detail as possible regarding the cause and extent of the problem, and the action taken by the operator to rectify the situation
  - re-test to demonstrate compliance as soon as possible; and
  - inform the regulator of the steps taken and the re-test results
9. 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.

## **Abnormal events**

10. In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions the operator shall:
  - investigate and undertake remedial action immediately
  - adjust the process or activity to minimise those emissions; and
  - promptly record the events and actions taken
11. The regulator shall be informed without delay:
  - if there is an emission that is likely to have an effect on the local community; or

- in the event of the failure of key arrestment plant, for example, bag filtration plant or scrubber units.

### **Start up and shutdown**

12. All appropriate precautions must be taken to minimise emissions during start-up and shutdown.

### **Techniques to control fugitive emissions**

13. All equipment and machinery shall be kept clean and in good working condition. It shall be cleaned as necessary to avoid dust emission.

14. A high standard of housekeeping shall be maintained.

15. All spillages which may give rise to dust emissions shall be cleaned up promptly, normally by wet handling methods. Dry handling of dusty spillages shall not be permitted other than in fully enclosed buildings. (N.B. Dry handling of dusty spillages within fully enclosed buildings may not be acceptable under COSHH.) In the event of a major spillage it shall be dealt with on the same day that it occurs, and measures to minimise emissions, such as wetting the surface to create a crust, shall be taken immediately.

### **Screening and conveying**

16. No screening shall take place unless there is an adequate supply of water on site. Screening operations shall cease when high wind speeds cause unacceptable levels of dust that contravene Condition 1 of this Permit.

17. Screening, crushing and blending operations will not take place on the boundaries. To ensure protection from wind a form of barrier will be in place.

18. Where dusty materials are conveyed, the conveyor and any transfer points shall be provided with adequate protection against wind whipping i.e. enclosed on at least one side and above. All transfer points shall be enclosed to such an extent as to minimise the generation of airborne dust.

19. Conveyors shall be fitted with effective means for keeping the return belt clean and for collecting materials removed by this cleaning operation.

20. Conveyor belts shall not be overloaded.

21. Where the free fall of material gives rise to external dust emissions, techniques shall be used at the point of discharge to minimise this, for example the use of a chute or similar equipment.

22. Planned preventative maintenance schedules shall include conveyor systems. Conveyor systems shall be inspected at a frequency agreed between the operator and the regulator (which will depend upon the

frequency of use of the conveyor). Any defects shall be recorded and rectified immediately.

23. When dust emissions from conveyors are visible, dust suppression equipment shall be used or the plant shall be vented to suitable arrestment equipment, as agreed with the regulator.

### **Stockpiles**

24. All coal product storage areas shall have a consolidated surface which shall be kept in good repair.
25. Stockpiles shall be clearly delineated to deter vehicles from running over coal at the stock edge.
26. Dust emissions shall be minimised from stockpiles of small coal (power station coal or similar) by, for example, profiling and/or compaction. Long term stocks of small coal shall be aerodynamically shaped and re-compacted when necessary. This shall ensure that surfaces are as near smooth as possible and all peaks and ridges where dust may arise are levelled out. All stocks, including waste, shall be stored in such a manner as to minimise wind whipping.
27. Some fuels may be damaged by compacting. When necessary to control dust emissions from stockpiles of such fuels, methods such as storage in three-sided bays, limiting the height of stockpiles, covers or dust suppressants shall be used.
28. Site perimeter fencing as agreed with the regulator shall be used to protect the stockpiles.
29. Storage areas shall be kept in such a condition that they do not give rise to visible dust emissions. Measures shall be taken to prevent dust emissions from stockpiles either by maintaining suitable moisture content, sheeting the stockpiles or by spraying with surfactants. A mobile rain-bird facility with the ability to reach over the stockpiles or water tankers equipped with spray bars and water cannons shall be available when required. Stockpiles shall be progressively compacted and profiled as they are formed.
30. Sufficient water shall be available on site to operate all dust suppression equipment.
31. Stockpile heights shall be limited to 1 metre below the height that can be reached by the mobile rainbird facility.
32. Loading to and from all stockpiles shall be carried out so as to minimise emissions to the air. The free fall of material from loading shovels shall be kept to a minimum.



33. No product shall be worked unless the moisture content of the product is sufficient to prevent fugitive dust emissions to prevent a breach in Condition 1 of this Permit.
34. The reclamation of coal from stockpiles shall be carried out in a manner which, to the extent that it is practicable, retains the profile of the stockpile and does not cause undue roughness.
35. Unused stocking areas shall be cleaned or regularly wetted until brought back to use.

### **Loading and unloading**

36. The loading and unloading of road vehicles and trains shall be carried out so as to minimise the generation of airborne dust.

### **Roadways and vehicles**

37. Roadways and other areas where there is regular movement of vehicles shall be kept clean, for example, by use of broom sweepers on metalled surfaces, or wet, for example by the use of a bowser. They shall be kept clean or wet in order to prevent or minimise dust emissions.
38. Internal haul roads shall be well maintained using a grader and clearly delineated so that vehicle movements are restricted to travelling over haul roads; dust suppression measures shall be concentrated in these areas.
39. All road vehicles carrying coal, coal products or petroleum coke shall either be fully sheeted or of an enclosed body type. A requirement to sheet vehicles shall be included in all contracts for road haulage.
40. Vehicles shall not be overfilled.
41. Effective under-vehicle washing facilities as agreed with the regulator shall be provided and used and the surrounding area hard surfaced. Particular attention shall be given to the cleaning of vehicle wheels. Vehicles shall stay long enough in the wheel wash to ensure that the wheels and underside have been properly cleaned.
42. All lorries leaving the site shall exit and be washed via the wheel and under body wash.
43. A hard surface shall be provided between the under-vehicle washing facility and the site exit and for other areas where there is regular movement of vehicles.
44. Alternative vehicle wash arrangements shall be made to cover periods when the wash facility specified in condition 41 is out of action.

## **Management**

45. Spares and consumables - in particular, those subject to continual wear shall be held on site, or should be available at short notice from guaranteed local suppliers, so that plant breakdowns can be rectified rapidly.

## **Training**

46. All staff whose functions could impact on air emissions from the activity shall receive appropriate training on those functions. This shall include:

- awareness of their responsibilities under the permit;
- steps that are necessary to minimise emissions during start-up and shutdown;
- actions to take when there are abnormal conditions, or accidents or spillages that could, if not controlled, result in emissions.

47. The operator shall maintain a statement of training requirements for each post with the above mentioned functions and keep a record of the training received by each person. These documents shall be made available to the regulator on request.

## **Maintenance**

48. The operator shall have the following available for inspection by the regulator:

- a written maintenance programme for all pollution control equipment; and
- a record of maintenance that has been undertaken

## **Best available techniques**

49. 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.

50. 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.

**End of Permit**

### Appendix 1 – Installation boundary

The operator is authorised to carry out the activities and/or associated as specified and within the boundary shown in red on the plan below



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