



LAPPC/ LA-IPPC Advice Notes

Transfer and Surrender of Permits

Introduction

The aim of this Advice Note is to give operators general advice on what they must do if they wish to transfer (i.e. change of ownership) or surrender their permits.

Advice & Guidance

It is recommended that each operator should at least be aware of the general requirements of the following legislation and as a minimum obtain a copy of the PG Note(s) that relate to their Permitted Installation.

- Pollution Prevention and Control Act 1999
- Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended)
- Process Guidance Notes (PG Notes)
- Specific Guidance Notes (SG Notes Part A2's only)
- AQ Notes
- General Guidance Manual on Policy and procedures for A2 and B Installations
- BREF Notes (EU Guidance)

You may be able to download the above guidance from the following websites:

- www.defra.gov.uk
- www.environment-agency.gov.uk
- www.envirowise.org
- www.hmsso.gov.uk

Applications for transfers

The Borough Council of King's Lynn & West Norfolk (herein known as the "Borough Council") recognises that LAPPC installations may change hands through normal day to day business. The Pollution Prevention and Control (PPC) regulations allow for permits to be transferred, either for the whole installation or one or more parts of it through a partial transfer. The new operators must have the appropriate management systems and relevant competence to run the installations properly in compliance with the conditions of the existing permit.

Determining applications

The Borough Council must determine whether to allow the transfer to go ahead. Regulation 18(4) states that the transfer must go ahead unless the local authority considers that the proposed transferee will not comply with the permit conditions or will not have control of the operation of the installation.

The PPC Regulations set a two month period for local authorities to determine transfer applications, this may be extended if the local authority and applicant agree to do so. If the Borough Council has neither effected the transfer nor rejected the application within the time limit, the applicant may treat this as a deemed refusal. They may then appeal against this deemed refusal.

Whole installation transfers

When an operator wants to transfer all or part of a permit to a third party, the current permit holder and proposed transferee must make a joint application. A permit transfer form must be completed and sent to the Borough Council for consideration along the correct application fee.

Copies of the Permit transfer application form can be down loaded from the Borough Council's website or hard copy sent in the post (See contact details).

The transfer will either take effect from the date of determination by the Borough Council or a date that may be agreed by the Borough Council and the applicants.

Partial installation transfers

In the case of partial transfers the applicants must make it clear where the original operator retains part of the installation and permit, and which area the new transferee will be in control of.

The Borough Council will issue a new permit to the transferee which will cover the part of the installation transferred to them and will have the same conditions as the original permit. The Borough Council will also return the original permit to the original operator, showing the extent of the transfer and which parts of the permit remain applicable.

The Borough Council may vary existing conditions in light of the partial transfer, for example emission limits may need to be split or further conditions added. This should ensure that the operators continue to co-operate on control of the installation as a whole.

Surrendering Permits

Regulation 20 of the PPC Regulations states that the operator of a LAPPC installation must apply to the Borough Council to formally surrender their permit.

Where an operator of an installation or mobile plant ceases or intends to cease operation of the activity, they must complete the permit surrender application form and submit it to the Borough Council. There is no fee for requesting a surrender of a permit.

The permit will cease to exist from the date of notification and therefore the applicant must be aware that if they wished to continue after surrendering their permit, they would need to apply for a new permit before the operation can continue.

If the surrender is partial, then the Borough Council may deem it necessary to vary the remaining Permit.

If an operator ceases to operate and does not surrender their permit during the year then they may be liable to the full year's subsistence fee.

Fees and Charges

The appropriate fee is required to be submitted along with the application. Fees and Charges are set by Central Government and change on an annual basis. Please see separate Advice Notes on Fees and Charges for further information.

Contact Details

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