

Notice Reference: **MLD/EPR/B/008**

**Environmental Permitting (England and Wales)  
Regulations 2016 (as amended), Regulation 20**

**Variation Notice**

**To:** Kevin Nash Group PLC

**Of:** 18-22 Burnham Business Park  
Springfield Road  
Burnham-on-Crouch  
Essex  
CM0 8TE

**Maldon District Council** ("the Council"), in exercise of the powers conferred on it by Regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016 (as amended) ("the 2016 Regulations"), hereby gives you notice that:

The Council has decided to vary your Part "B" activity permit dated 18<sup>th</sup> August 2016 granted under the Environmental Permitting (England and Wales) Regulations 2016 (as amended), for an animal and vegetable matter treatment process activity.

The variation of the permit conditions are specified in Schedule 1 to this notice. A full consolidated permit forms schedule 2 to this notice.

Environment Services  
Maldon District Council  
Princes Road  
Maldon  
Essex  
CM9 5DL

Dated: **11<sup>th</sup> January 2019**

*C. Shipham*

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**Chris Shipham**  
**Environmental Protection Team Leader**  
**The Authorised Officer for this purpose**



## 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 General Guidance Manual at [www.defra.gov.uk/environment/ppc](http://www.defra.gov.uk/environment/ppc)***

### 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.

### 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 or 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 or 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 (see paragraphs 2(1) and (2) of Schedule 6 of the 2016 Regulations):

- the appropriate authority 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. Further guidance on commercial confidentiality can be found in chapter 8 of the PPC General Guidance Manual.

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.

### Offences

Failure to comply with a Variation Notice is an offence under regulation 38(1) (b) of the 2016 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.

### 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.



# Schedule 1

## Variation to the permit

### Installation and activities

- 1 The permitted installation shall not extend beyond the area outlined in red in Schedule 1 to this permit. The site boundary of the land occupied by the Operator is outlined in blue.

### Emission release points

- 2 Emissions to air shall only be released from the emission release points as specified in this condition and as shown in Schedule 4 to this permit.

Plan Ref.	Test Report System No.	Source	Abatement	Details
A	2	Packing, bottling and mezzanine small dryer	Activated carbon	Vents internally into main production building
AA / 3	4	Main production line, boilie line 3	None	11.5m stack, fitted with a jet cap and accelerator, <b>condition 4 applies</b>
B	1	Flavours laboratory & chemicals store	Activated carbon	6.26m stack with accelerator cone
BB / 1&2	3A	Main production line, boilie lines 1&2	None	13m stack, fitted with a jet cap and accelerator, <b>condition 4 applies</b>
C	8	Dye / Tumbler powder room	Activated carbon	6.26m stack
D	7	Driers under large mezzanine	Activated carbon	6.26m stack with jet cap
E	3	Main production mixers (2 x large mixers)	Activated carbon	7.5m stack with jet cap
F	6	Under new mezzanine dryers	Activated carbon	8.9m stack with jet cap
G	5	Above new mezzanine dryers	Activated carbon	8.4m stack with jet cap
H	9	Main production mixers (3 x small mixers)	Activated carbon	6.26m stack with jet cap
G1	N/A	Boilie machine 1 gas stack	N/A	8.2m stack, combustion products only, condition 4 does not apply
G2	N/A	Boilie machine 2 gas stack	N/A	9.8m stack, combustion products only, condition 4 does not apply

- 3 The Operator shall notify the Regulator in writing at least 14-days prior to any changes to extraction systems and exhaust stacks serving the permitted installation.
- 4 Where dispersion is used to achieve compliance with the odour emission limit specified in row 1 of the table in condition 7 the exit velocity shall be at least 15m/s.
- 5 Exhaust stacks shall not be fitted with any rain cap or other obstruction at the terminal point. A jet cap or accelerator cone may be used to increase the exit velocity to achieve greater dispersion of emissions.
- 6 Exhaust stacks and ductwork shall be cleaned to prevent accumulation of materials, as part of the routine maintenance programme.



## Emission limits and monitoring

7 The emissions monitoring provisions of this condition shall apply to the whole of the permitted installation described in condition 1 and the emission release points described in condition 2:

Row	Substance	Source	Emission limits/provisions	Type of monitoring	Monitoring frequency
1	Odour	All odour emissions from contained and fugitive sources	Free from offensive odour at or beyond the site boundary	Olfactory assessment at site boundary	At least daily
2	Particulate matter	Whole site	No visible emissions	Visual observations	At least daily
3	Droplets, persistent mist and fume	All emissions to air (except steam and condensed water vapour)	No droplets, no persistent mist, no persistent fume	Visual observations	At least daily

8 A simple wind direction indicator (such as a windsock or weather vane) shall be installed in order that likely emission paths and areas of potential odour impact can be identified in the case of abnormal emissions.

9 The assessment of emissions in accordance with row 1 of the emissions monitoring provision in condition 7 shall be undertaken in accordance with a documented odour monitoring plan, which shall include documented procedure for emissions monitoring.

10 The operator shall keep documented records of emissions monitoring undertaken in accordance with condition 7. Emissions monitoring records shall:

- (a) detail the name of the person undertaking the assessment, and;
- (b) include wind direction and strength; and,
- (c) detail the outcome of the assessment; and,
- (d) be legible; and,
- (e) be kept on site; and,
- (f) be kept by the operator for at least two years; and,
- (g) be made available for the regulator to examine.

11 In the event of abnormal emissions, malfunction or breakdown leading to abnormal emissions the Operator shall:

- (a) investigate and undertake remedial action **immediately**; and,
- (b) stop or adjust the process or activity to minimise those emissions; **and**
- (c) promptly record the events and actions taken.

12 The Regulator shall be informed **without delay**, whether or not there is related monitoring showing an adverse result:

- (a) if there is an emission that is likely to have an effect on the local community; **or**,
- (b) in the event of the failure of key arrestment plant, for example, extraction equipment or filter units.

13 In this permit, the term '**immediately**', means at the time of the abnormal emission or plant failure.

14 In this permit, the term '**without delay**', means the same day of the abnormal emission or plant failure.



## **Emissions control techniques**

### Mixing and cooking

- 15 The main production areas shall be provided with sufficient extract ventilation to maintain an adequate negative pressure, and permanently connected to exhaust stacks as described in condition 2, and operated with activated carbon filtration (unless condition 4 applies) during process operations.
- 16 All dusty, or potentially dusty materials, including dusty waste shall be stored in covered containers, sealed bags or purpose built silos.
- 17 Emissions of particulate matter from grinders, choppers, mills, mixers and dryers shall be contained, extracted and filtered if necessary to meet the particulate emission provisions specified in row 2 of the table in condition 7.
- 18 The bulk transfer of dry raw materials to boilie line 1 shall be by suitable mechanical handling systems such as screw auger, gravity or pneumatic means. Manual transfer of raw materials to boilie line 2 is permitted.
- 19 Boilie cookers, shall be enclosed as far as practicable, and where necessary shall be provided with a containment and collection system for steam, condensate and odorous emissions.

### Drying, dipping and tumbling

- 20 Boilie drying shall only be undertaken in boilie driers as shown in Schedules 2 & 3 to this permit.
- 21 Extract ventilation serving boilie driers shall be permanently connected to an exhaust stack as described in condition 2, and operated with activated carbon filtration.
- 22 Boilie driers shall be equipped with dedicated extract ventilation, sufficient to maintain them under negative pressure during boilie drying operations.
- 23 Dipping and tumbling shall only be undertaken in the tumbling room with the extraction system fully functioning.
- 24 Extract ventilation serving the tumbling room shall be permanently connected to an exhaust stack as described in condition 2, and operated with activated carbon filtration.
- 25 The tumbling room shall be equipped with dedicated extract ventilation, sufficient to maintain it under negative pressure during dipping and tumbling operations.
- 26 Access doors to the drying areas and the tumbling room shall be kept closed other than when in active use.

### Laboratory & general

- 27 Extract ventilation serving the laboratory shall be permanently connected to an exhaust stack as described in condition 2, and operated with activated carbon filtration. The laboratory door shall be kept closed other than when in active use.
- 28 Extract ventilation serving the packing and bottling room shall be permanently connected to an exhaust stack as described in condition 2, and operated with activated carbon filtration.
- 29 The production building structure, floors, equipment and containers shall be capable of being cleaned effectively, and maintained in good condition. Cardboard or similar sacrificial floor coverings shall not be used.
- 30 All effluent arising within buildings including floor washings shall be drained to foul sewer.



- 31 Potentially odorous waste materials shall be stored inside the process building unless in sealed containers. In this condition, covered skips shall not be regarded as sealed containers.
- 32 Suitable and sufficient equipment to deal with spillages shall be held on site.
- 33 A high standard of housekeeping to be maintained.
- 34 The use of odour masking agents and counteractants is not permitted.
- 35 Eggs shall be supplied and used in IBCs or sealed buckets only. The supply and use of frozen egg in cardboard boxes, or containers other than IBCs or sealed buckets is not permitted.

### **Management controls & maintenance**

#### **Management controls**

- 36 The Operator shall prepare and maintain a documented odour response procedure for use by operational staff on a day-to-day basis. The odour response procedure shall include (but not be limited to):
- (a) a list of essential spares for the odour control equipment; and,
  - (b) actions to be taken in the event of extraction system breakdown, including suspending process operations.
- 37 Personnel at all levels shall be given training and instruction sufficient to fulfil their designated duties under the above structure. Details of such training and instruction shall be entered into an appropriate record and be made available for inspection by the Regulator.
- 38 A primary point of contact shall be appointed to liaise with the regulator and the public with regard to complaints. The Regulator should be informed of the designated individual(s) within 4 weeks of the date of issue of this permit. Any changes off the contacts shall be notified to the Regulator without delay.
- 39 A formal structure shall be provided to clarify the extent of each level of employee's responsibility with regard to the control of the process and its environmental impacts. This structure shall be prominently displayed on the company within the process building at all times. Alternatively, there must be a prominent notice referring all relevant employees to where the information can be found.
- 40 Written or computer records of all tests and monitoring shall be kept by the operator for at least 2 years. They, and a copy of any manufacturers' instructions referred to in this permit, shall be made available for examination by the Council. Records shall be kept of operator inspections, including those for visible emissions.

#### **Maintenance**

- 41 The Operator shall prepare and maintain a documented planned preventative maintenance programme. The planned preventative maintenance programme shall include (but not be limited to):
- (a) abatement plant maintenance (carbon filter replacement); and,
  - (b) LEV testing; and,
  - (c) exhaust stack and ductwork cleaning.

### **Best available techniques**

- 42 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.

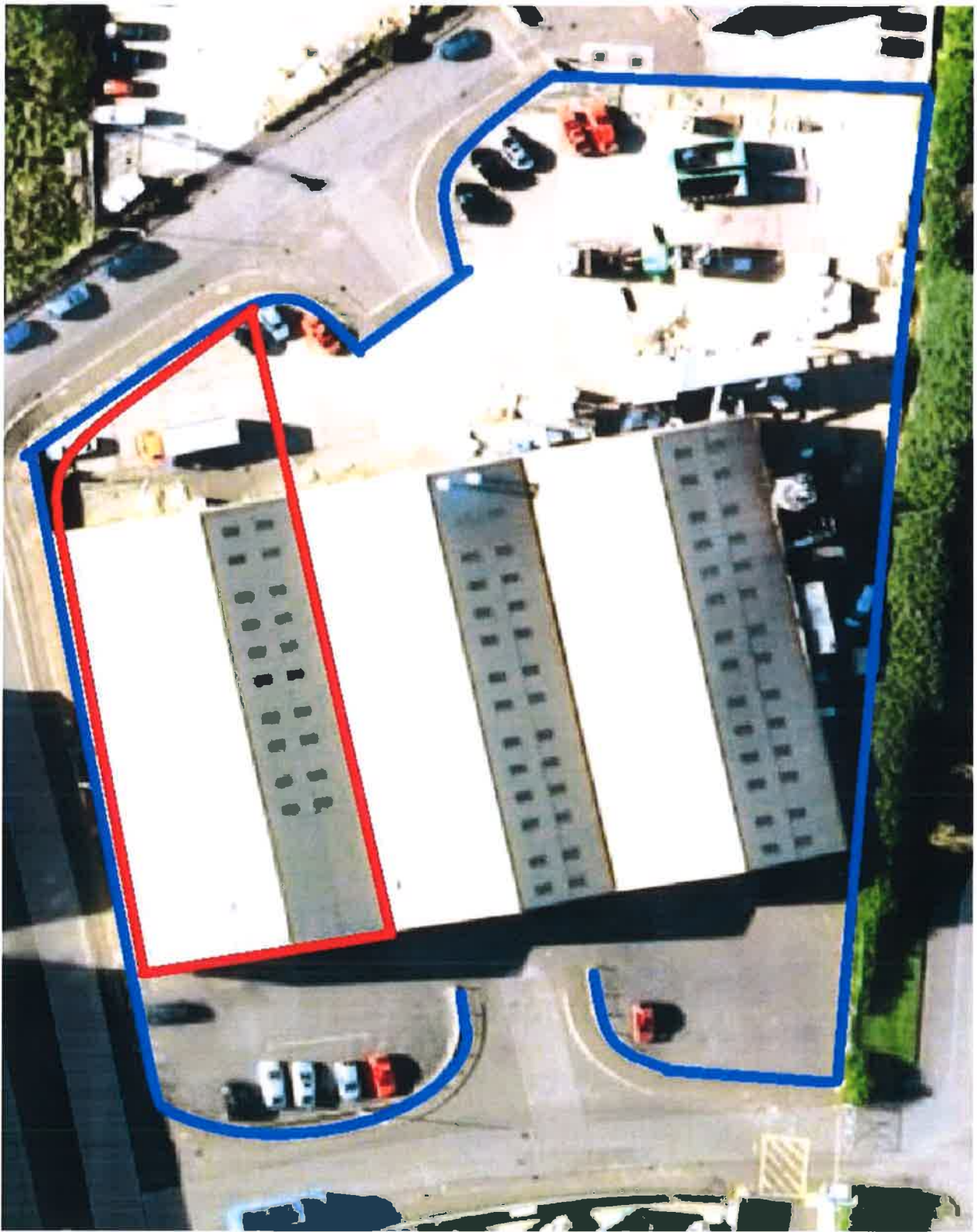


### **Process changes & operations review**

- 43 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.
- 44 Within 28-days of receipt of written notification from the Regulator, the Operator shall take all necessary steps to investigate and implement techniques to reduce or eliminate odour emissions. An example of such steps that could be taken includes, but is not limited to:
- (a) identification of the nature of the odour; and,
  - (b) identification of the source of the odour; and,
  - (c) proposed actions to prevent or reduce odour; and,
  - (d) odour abatement; and,
  - (e) timetable for proposed actions; and,
  - (f) revisions to odour response procedures.

**End of permit conditions.**

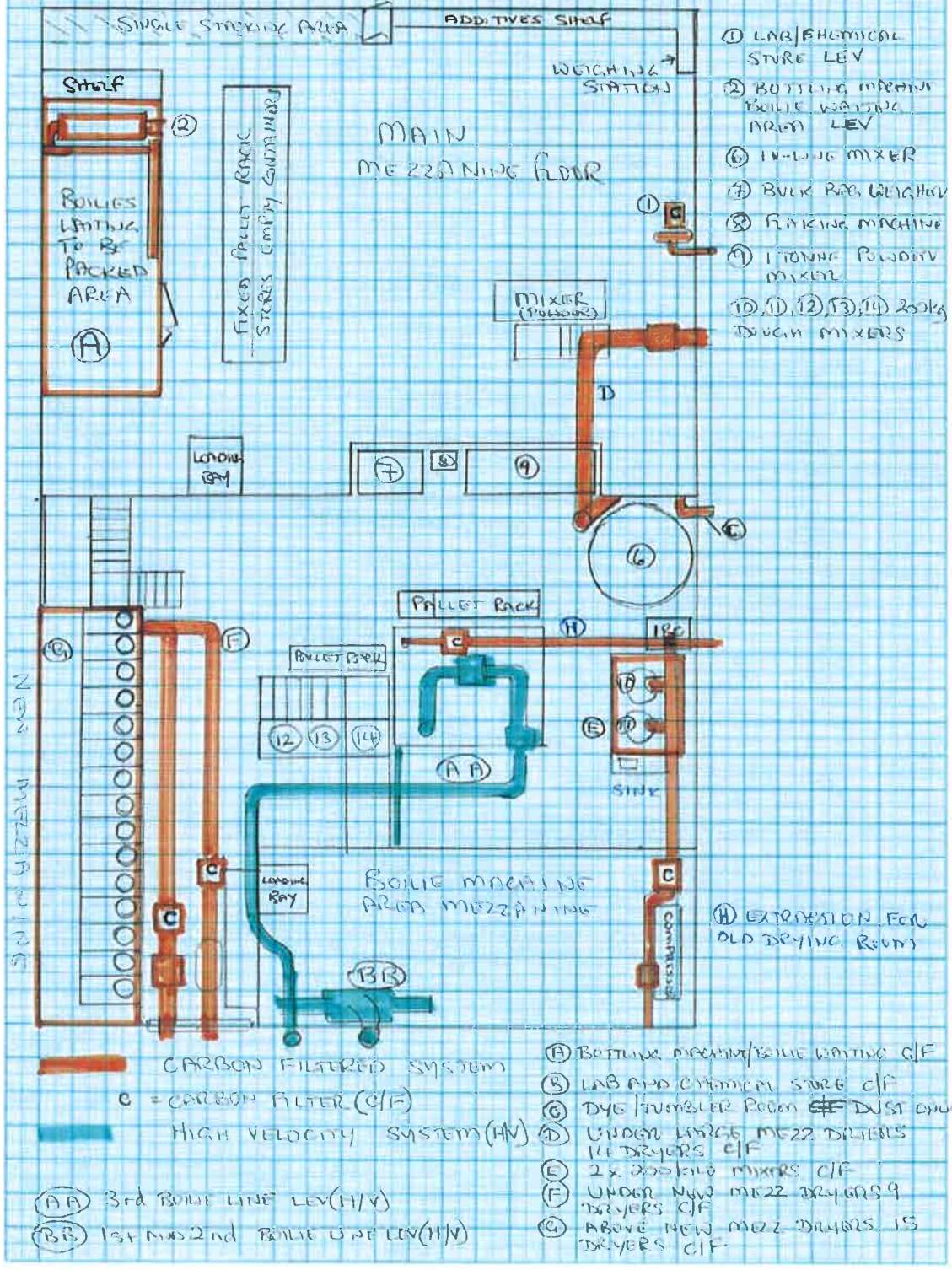




Installation:	Kevin Nash Group PLC		
Project:	Permit Application		
Drawing:	Location Plan	Reference:	Schedule 1
Date:	14 <sup>th</sup> July 2016	Scale:	Not to scale

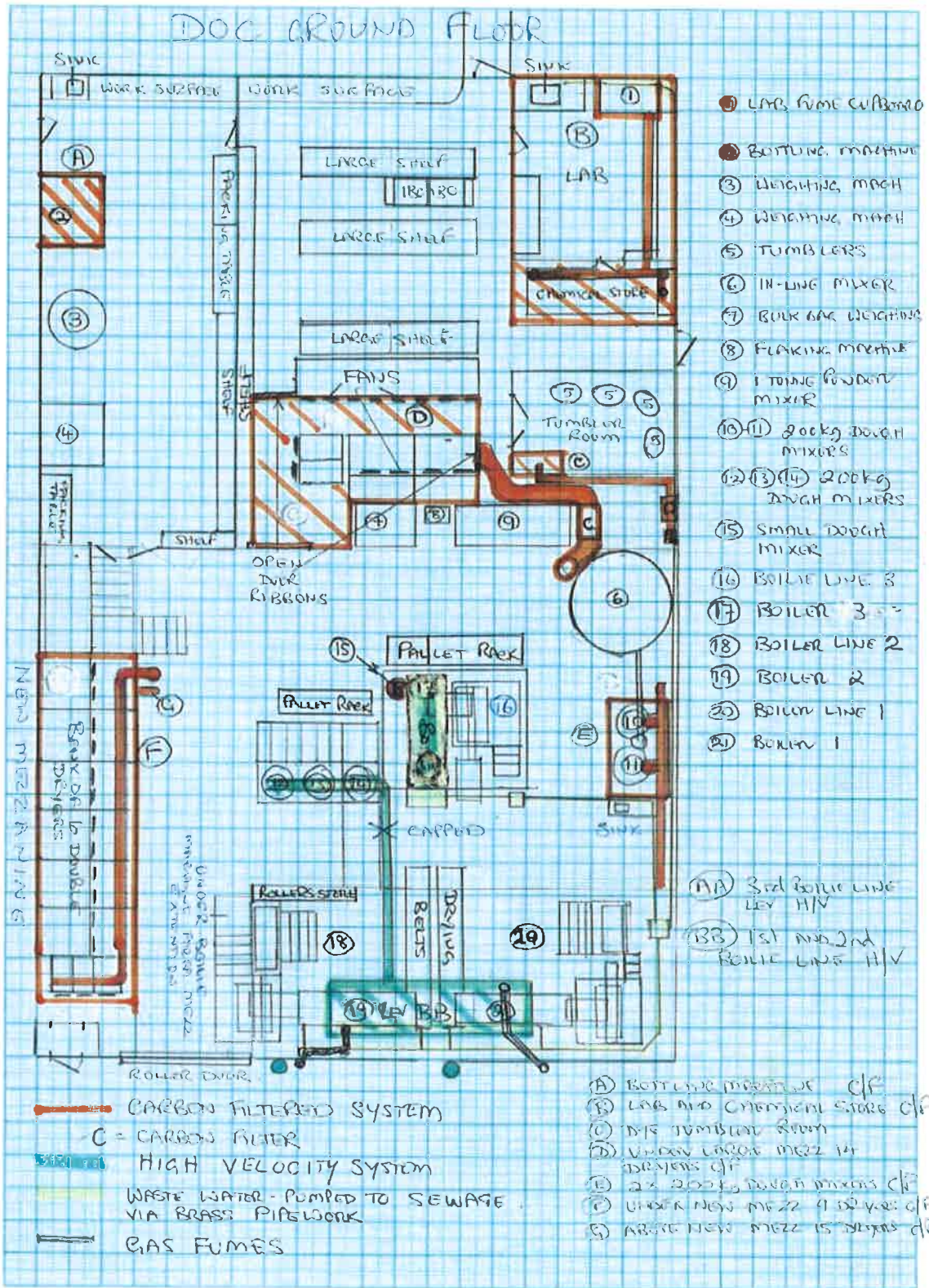


# DOC MEZZANINE FLOOR



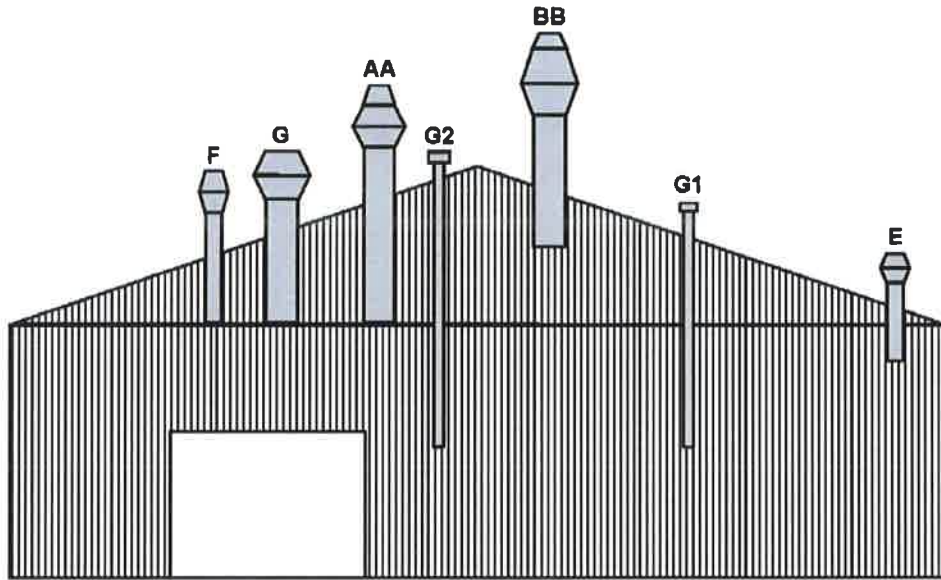
Installation:	Kevin Nash Group PLC		
Project:	Permit Variation		
Drawing:	Site Plan: First Floor	Reference:	Schedule 3
Date:	5 <sup>th</sup> November 2018	Scale:	Not to scale



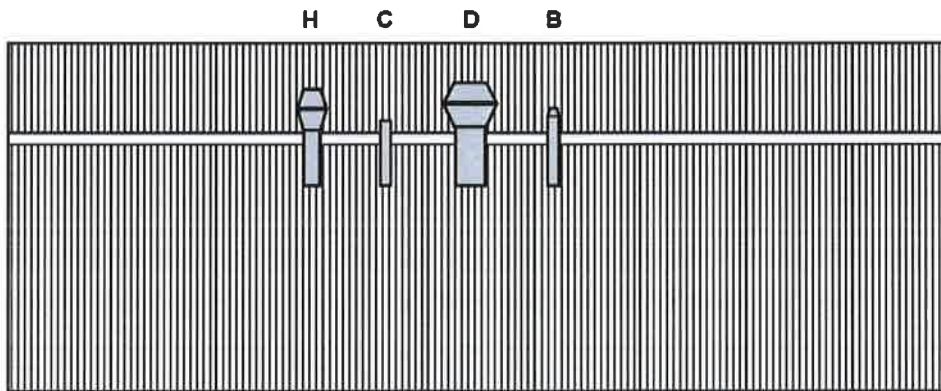


Installation:	Kevin Nash Group PLC		
Project:	Permit Variation		
Drawing:	Site Plan: Ground Floor	Reference:	Schedule 2
Date:	5 <sup>th</sup> November 2018	Scale:	Not to scale





West Elevation



South Elevation



Installation:	Kevin Nash Group PLC		
Project:	Permit Variation		
Drawing:	Emission Release Points	Reference:	Schedule 4
Date:	5 <sup>th</sup> November 2018	Scale:	Not to scale



## Schedule 2

Consolidated Environmental permit reference *MLD/EPR/B/008* dated *11<sup>th</sup> January 2019*.

