

Notice Reference: **MLD/EPR/MP/006**

**Environmental Permitting (England and Wales)
Regulations 2010 (as amended), Regulation 20**

Variation Notice

To: Pro-Mix (UK) Limited

Of: Hall Farm
St Lawrence Hill
St Lawrence
Southminster
Essex
CM0 7LN

Maldon District Council ("the Council"), in exercise of the powers conferred on it by Regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 (as amended) ("the 2010 Regulations"), hereby gives you notice that:

The Council has decided to vary the conditions of your Part "B" permit reference MLD/EPR/MP/006 dated 12th December 2010 granted under the Environmental Permitting (England and Wales) Regulations 2010, in relation to the following bulk cement activity:

***Pro-Mix (UK) Limited
Hall Farm
St Lawrence Hill
St Lawrence
Southminster
Essex
CM0 7LN***

The variation of the conditions of the permit and the dates on which they are to take effect 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: **18th October 2013**



Shirley Hall
Environmental Health Manager
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

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 2010 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 2010 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 2010 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 2010 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 conditions of the permit	Date(s) on which the variation is to take place
<p><u>General operating conditions</u></p> <ol style="list-style-type: none"> 1. No visible particulate matter shall be emitted beyond the installation boundary as marked in red on the location plan in schedule 1 to this permit. 2. The emission requirements and methods and frequency of monitoring set out in Table 1 shall be complied with. Sampling shall be representative. Any monitoring display required for compliance with the permit shall be visible to operating staff at all times. Corrective action shall be taken immediately if any periodic monitoring result exceeds a limit in Table 1, or if there is a malfunction or breakdown of any equipment which might increase emissions. Monitoring shall be undertaken or repeated as soon as possible thereafter and a brief record shall be kept of the main actions taken. 3. All plant and equipment capable of causing, or preventing, emissions and all monitoring devices shall be calibrated and maintained in accordance with the manufacturer's instructions. Records shall be kept of such maintenance. <p><u>Silos</u></p> <ol style="list-style-type: none"> 4. Bulk cement shall only be stored within the bulk cement silo. 5. Dust emissions from unloading road tankers shall be minimised by venting to the silo filter. Deliveries shall be only made using a delivery tanker fitted with an on-board, truck-mounted relief valve and filtration system, and by connecting transfer lines first to the delivery inlet point and then to the tanker discharge point. The Operator shall ensure that the delivery is at a rate which does not pressurise the silo (in this case, a delivery pressure <i>no greater than 1.5 bar</i>). 6. Silos and bulk containers of dusty materials shall not be overfilled and there shall be an overfilling alarm. 7. Where so equipped, when loading silos which were new after Jun 2004, deliveries must automatically stop where overfilling or over-pressurisation is identified. 8. Displaced air from pneumatic transfer shall pass through abatement plant prior to emission to air. <p><u>Aggregates delivery and storage</u></p> <ol style="list-style-type: none"> 9. Dusty materials (including dusty wastes) shall only be stored in silos and designated stockpiles as detailed in the site plan in schedule 2 to this permit and shall be subject to suppression and management techniques to minimise dust emissions. 	<p>All conditions: 18th October 2013</p>

Belt conveying

10. Where used, dust emissions from belt conveyors, shall be minimised as far as practicable. All transfer points shall be fitted with dust suppression or containment as necessary.

Loading, unloading and transport

11. No potentially dusty materials (including wastes) or finished products shall arrive on or leave the site other than by use of cement tanker, enclosed volumetric mixers and sheeted trucks.

Roadways and transportation

12. All areas where there is regular movement of vehicles shall have a consolidated surface capable of being cleaned, and these surfaces shall be kept clean and in good repair. Quarry haul roads are excluded from this provision.
13. Vehicles shall not track material from the site onto the highway.

Techniques to control fugitive emissions

14. Yard areas and buildings shall be maintained so as to minimise visible dust emissions from surfaces.

Records and training

15. 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.
16. Staff at all levels shall receive the necessary training and instruction to enable them to comply with the conditions of this permit. Records shall be kept of relevant training undertaken.

Best available techniques

17. 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.
18. 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.

Table 1 - Emission limits, monitoring and related provisions

Row	Substance	Source	Emission limits/provisions	Type of monitoring	Monitoring frequency
1	Particulate matter	Whole Process	No visible airborne emission to cross the site boundary where harm or nuisance may be caused	Operator observations	At least daily
		Silo inlets and outlets (for silos new since 1st July 2004)	Designed to emit less than 10mg/m ³	Operator observations	At time of delivery
		Silo inlets and outlets	No visible emission	Recorded indicative monitoring	Continuous
		Arrestment equipment, or any point where dust contaminated air is extracted from the process to atmosphere, with exhaust flow >300m ³ /min. (other than silo arrestment plant)	50mg/m ³	*Isokinetic sampling	At least once to demonstrate compliance, then as necessary to provide a reference for the continuous indicative monitor.
		Arrestment equipment, or any point where dust contaminated air is extracted from the process to atmosphere, with exhaust flow >100m ³ /min. (other than silo arrestment plant)	No visible emission Arrestment equipment should be provided with a design guarantee that the equipment can meet 50mg/m ³	Indicative monitoring to demonstrate that the arrestment equipment is functioning correctly	Continuous
		Arrestment equipment, or any point where dust contaminated air is extracted from the process to atmosphere, with exhaust flow <100m ³ /min. (other than silo arrestment plant)	No visible emission	Operator observation Or Indicative monitoring	At least daily Or Continuous
2	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	*On start-up and on at least two more occasions during the working day*
Only emissions to atmosphere are required to comply with the emission limits within this table.					
Notes:					
<p>*All periodic monitoring results shall be checked by the operator on receipt and sent to the Council within 8 weeks of the monitoring being undertaken.*</p> <p>a) The reference conditions for limits in Table 1 are: 273.1K, 101.3kPa, without correction for water vapour content, unless stated otherwise.</p> <p>b) All periodic monitoring shall be representative, and shall use standard methods.</p> <p>c) The emission limits do not apply during start-up and shut down. All emissions shall be kept to a minimum during these periods.</p>					

Schedule 2

Consolidated Environmental permit reference ***MLD/EPR/MP/006*** dated ***18th October 2013.***