

Notice Reference: **MLD/EPR/MP/007**

**Environmental Permitting (England and Wales)
Regulations 2010, Regulation 13
Notice of Determination**

To: DS Services (Southeast) Limited

Of: The Maltings
Rosemary Lane
Halstead
Essex
CO9 1HZ

Whose principal place of business is: 39 Thurstable Road
Tollesbury
Essex
CM9 8SF


Maldon District Council ("the Council"), in exercise of the powers conferred on it by Regulation 13 of the Environmental Permitting (England and Wales) Regulations 2010 ("the 2010 Regulations"), hereby gives you notice that:

The Council has accepted your application for an environmental permit for the crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles or concrete, and Screening the product of any activity previously described in this paragraph.

DRAFT environmental permit reference **MLD/EPR/MP/007** is attached as schedule 1 to this determination.

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

Dated: **12th September 2014**



Shirley Hall
Senior Environmental Health Officer
The Authorised Officer for this purpose

Guidance for Operators receiving a Determination Notice

This guidance does not form part of the Determination 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 Determination Notice

This notice determines the outcome of an application for a permit.

Appeals

Under regulation 31 and Schedule 6 of the 2010 Regulations operators have the right of appeal against the conditions attached to their permit.

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 EPR 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 permit condition 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 EPR 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.

Determination

Schedule 1

Draft Environmental Permit reference *MLD/EPR/MP/007*.