



## **MALDON DISTRICT COUNCIL**

### **PERMIT WITH INTRODUCTORY NOTE**

# **POLLUTION PREVENTION AND CONTROL (ENGLAND AND WALES) REGULATIONS 2000 (AS AMENDED)**

#### **PROCESS ADDRESS**

New House  
Curry Farm  
Bradwell on Sea  
Southminster  
Essex. CM0 7HL

**PERMIT REFERENCE : MDL/PPC/23/03/V1**

## PERMIT AND INTRODUCTORY NOTE LA-PPC

### **CONTACT DETAILS**

Maldon District Council  
Environmental Services  
Council Offices  
Princes Road  
Maldon  
Essex  
CM9 5DL

Tel : 01621 875894

Fax : 01621 875899

[www.maldon.gov.uk](http://www.maldon.gov.uk)



## **Permit and Introductory Note LA-PPC**

### **Introductory Note**

This introductory note does not form part of the permit

The following permit is issued under Regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended) (S.I. No.1973) ("the PPC Regulations") to operate an installation carrying out one or more of the activities listed in part B 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 are subject to the condition implied by Regulation 12(10) of the PPC regulations, that the Operator shall use the best available techniques for preventing or, where that is not practical, reducing emissions from the installation.

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

Brief description of the installation regulated by this permit.

### **Confidentiality**

The permit requires the operator to provide information to Maldon District Council. The Council will place the information onto the public register in accordance with the requirements of the PPC Regulations. If the operator considers that any information provided is commercially confidential, it may apply to Maldon District Council to have such information withheld from the register as provided in the PPC regulations. To enable Maldon District 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**

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 (Maldon District Council) 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 include the information specified in Regulation 20(3) of the PPC 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 18 of the PPC 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 of the transferred permit.

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

This permit is given in relation to the requirements of the PPC Regulations. It must not be taken to replace any responsibilities you may have under workplace health and safety legislation.

### **Appeal against permit conditions**

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 27 and Schedule 8 of the PPC 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 Pollution Appeals  
Room 4/19 Temple Quay House  
2 The Square  
Temple Quay,  
BRISTOL  
BS1 6PN

### **Please Note**

An appeal brought under paragraph (1)(c) or (d) 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 other conditions not subject to the appeal and to direct the local authority either to vary any of these other conditions or to add new conditions.

## **MALDON DISTRICT COUNCIL**

### **LOCAL AUTHORITY POLLUTION PREVENTION AND CONTROL**

### **POLLUTION PREVENTION AND CONTROL (ENGLAND AND WALES)** **REGULATIONS 2000 SI 2000 NO. 1973 (as amended)**

**Application Received 15<sup>th</sup> June 2005**  
**Permit Ref No: Reference MLD/PPC/23/03/V1**

Maldon District Council hereby permit Richard Dewick trading as Richard Dewick (Trans), New House, Curry Farm, Bradwell-on-Sea, Southminster, Essex, CM0 7HL as defined in the area edged in red on the attached Schedule One to the permit in accordance with the following conditions numbered 1 to 18 inclusive to carry on a mineral process, namely the use of mobile plant for crushing and screening brick, tiles, concrete, tarmac and stone which will be the product of demolition described below.

#### **DESCRIPTION OF PERMITTED ACTIVITY**

The crushing, screening or crushing and screening of bricks, tiles, concrete, stone or tarmac using mobile crushing equipment comprising one Rubble Master RM80 self-propelled hardcore crusher.

#### **CONDITIONS**

The requirements of the conditions attached to this permit shall come into effect on the date indicated in the individual condition or if no date is indicated shall take effect immediately. The permit is given in relation to the requirements of Section 3.5 Part B(a) of the Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended). It must not be taken to replace any responsibilities under Workplace Health and Safety legislation.

#### **Emission Limits and Controls**

1. There shall be no visible dust emissions from the process and no fall out of dust beyond the site boundary on which the equipment is operated.

#### **Monitoring, Sampling and Measurement of Emissions**

2. Visual assessments of emissions must be made frequently by the operator and at least once a day. Remedial action must be taken immediately in the case of abnormal emissions. Where the remedial action is not successful in preventing dust from the process leaving the site, the process shall be shut down. Where there is repeated evidence of airborne dust being deposited off-site, the operator must undertake monitoring to identify the source. Monitoring must be in accordance with British Standard 1747 Part 1 or by other method agreed with the Council.

3. The results of all non continuous monitoring and inspections shall be recorded in a log. The record shall include the date and time of the assessment, the result, the name of the person making the assessment, the cause of any adverse assessments and corrective action taken. The records must be kept for a minimum of two years and be made available for examination by an authorised officer of the Council.

### **Materials Handling**

4. All internal site road transport of processed materials likely to generate dust must be carried in closed tankers or sheeted vehicles or the materials must be conditioned with water.
5. Loading of road vehicles with crushed materials of 75mm diameter or below must be carried out so as to minimise the generation of airborne dust and the vehicle sheeted or totally enclosed as soon as possible and in any case prior to leaving the site.
6. Material delivered to the site of 75mm diameter or less must be sheeted or held in totally enclosed containers before being admitted on to the site.
7. Where there is an adequate supply of water to the mobile equipment then:
  - (a) Crushers and screens (where not totally contained) must be fitted with water suppression over the feeding area into the crusher or screen in order to minimise dust emissions from the back of the equipment;
  - (b) The discharge from crushers and screens onto conveyors or into other equipment must be enclosed as far as reasonably practicable;
  - (c) The last metre of any final size discharge conveyor or stockpile discharge conveyor and the first 0.5 metre of the free fall of materials from the conveyor must be fitted with a full hood and with water suppression unless the material has already been screened to remove material under 3mm in size;
  - (d) The conveyors must be enclosed on at least one side and above in order to minimise wind whipping unless the material has already been screened to remove material under 3mm in size.

Where no water is available, all crushers, screens and transfer points should be contained as far as practicable and meet conditions (b), (c) and (d) above, except for water suppression in (c). Unless the material has already been screened to remove material under 3mm in size, dust extraction and abatement equipment must be fitted to meet the aim of Condition 2.

8. Where water is used as the method of dust suppression; where appropriate; processes must have a constant supply of water which is available in all climatic conditions.

9. All crushing and screening plant and conveyors which are used for the handling and processing of material of an inconsistent size and shape must be served by adequate water suppression, or where this is not available, dust extraction and abatement.
10. No material is to be stored in the open except for:
  - (a) Material that has been screened to remove material 3mm and under;
  - (b) Sand;
  - (c) Scalping;
  - (d) Material used for road sub-bases (commonly known as "MOT material") that has been conditioned prior to deposition;
  - (e) Crusher run material or blended material that has been conditioned before deposition;
11. Where the only practicable option for the storage of materials under 3mm in size is external stockpiles, loading to and from stockpiles and the construction and management of stockpiles must be carried out in such a manner as to minimise windborne dust. Drop height of stone must be minimised and stone must be conditioned with water or proprietary conditioning agents at or before the point of discharge from the conveyor. Wherever possible loading must take place at sheltered points around the stockpile.
12. Stockpiles must be suitably profiled and wherever possible must be situated in a sheltered area of the site. Periodic conditioning with water or conditioning agents must be carried out according to weather conditions so as to prevent generation of windborne dust.
13. A high standard of housekeeping shall be maintained at all times to avoid the creation of excessive air borne dust in the immediate area.

### **General Operations**

14. The Council shall be notified in writing at least one week where practicable or 48 hours minimum before the equipment and/or mobile plant subject to this permit is moved to another location other than New House, Curry Farm, Bradwell-on-Sea, Southminster, Essex, CM0 7HL. This notification must include details of the new location.
15. Effective control of emissions requires the maintenance and proper use of equipment, and the proper supervision of process operations. Effective preventative maintenance should be employed on all plant and the equipment concerned with the control of emissions to the air. Essential spares and consumables should be held or be available at short notice.

16. Staff at all levels should receive the necessary training and instruction in their duties relating to the control of the process and emissions to air. Particular emphasis should be given to training for start up, shut down and abnormal conditions.
17. Any malfunction or breakdown in the process equipment leading to abnormal emissions into the air shall be dealt with immediately and the incident and remedial actions taken recorded in the log required to be kept at Condition 3.
18. In accordance with Regulation 16 of the Pollution Prevention and Control Regulations 2000 the Council shall be notified in writing at least fourteen days before any of the following changes are made to the process:
- (a) Any new or replacement crusher boxes or screens;
  - (b) The amendment of the existing crusher and screen by the installation of new or replacement equipment for the crushing of raw materials where this will involve an increase in, or change to the emissions into the air;
  - (c) Any new air pollution control equipment.
19. In relation to this permit, any reference to "The Council" shall mean Maldon District Council. In addition any information required to be sent to the Council shall be sent to:

**The Head of Environment Services  
Community Services Department  
Environmental Health Department  
Maldon District Council  
Council Offices  
Princes Road  
Maldon  
Essex  
CM9 5DL**

.....{Signature}

Signed on 19<sup>th</sup> January 2006 by Stephen Browne, Environmental Health Officer, authorised by the Maldon District Council to sign on their behalf.

**PERMIT ENDS**

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## **EXPLANATORY NOTES**

1. You should note that Regulation 12(1)(c) of the Pollution Prevention and Control (England and Wales) Regulations 2000 provides that, in relation to any aspect of the process not regulated by the conditions of the Permit, the Best Available Techniques (BAT) shall be used.

Best Available Techniques means the most effective and advanced stage in the development of activities and their methods of operation, which indicates the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole: and for the purpose of this definition:-

- (a) “available techniques” means those techniques which have been developed on a scale which allows the implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible to the operator.
- (b) “best” means, in relation to techniques, the most effective in achieving a high level of protection of the environment as a whole;
- (c) “techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned. (Regulation 3(1).

In determining best available techniques, special consideration shall be given to the following matters, bearing in mind the likely costs and benefits of a measure and the principles of precaution and prevention:-

- comparable processes, facilities or methods of operation which have been tried without success on an industrial scale;
- technological advances and changes in scientific knowledge and understanding;
- the nature, effects and volume of the emissions concerned;
- the commissioning dates for new or existing installations or mobile plant;
- the length of time needed to introduce the best available technique. (Schedule 2(1) of the Regulations.

1. The permit is given in relation to the requirements of Pollution Prevention and Control (England and Wales) Regulations 2000. It must not be taken to replace any responsibilities you may have under the Workplace Health and Safety legislation.
2. Advice on notification of activity changes, as defined in regulation 2(1) of the regulations, as a change in the nature or functioning or an extension of the installation or mobile plant which may have consequences for the environment can be found in the General Guidance Manual on Policy and Procedures for A2 and B Installations – Chapter 24.

Regulation 16 requires operators to notify the relevant local authority of any proposed change in the operation at least 14 days before making any change. This must be in writing and must contain a full description of the proposed change in operation and its likely consequences. An example form is included in **Part C** at the end of the aforementioned guidance and can be downloaded as a word document from [www.defra.gov.uk/environment/ppc](http://www.defra.gov.uk/environment/ppc). These notifications are appropriate for changes that are not likely to require the variation of permit conditions, the operator should apply under regulation 17(2).

3. All pollutant concentrations shall be expressed at standard conditions, 273K, 101.3kPa and 11% oxygen (or 9% carbon dioxide) without correction for water vapour content.
4. **APPEAL AGAINST PERMIT CONDITIONS**  
(Schedule 8 of the Regulations)

Anyone who is aggrieved by the conditions attached to a Permit, can appeal to the Planning Inspectorate. Appeals must be sent to the appropriate office no later than six months from the date of the decision (the date on the bottom of the Permit). Appeals relating to an activity in England should be sent to the Planning Inspectorate

Appeals should be dispatched on the date they are dated and addressed to:-

The Planning Inspectorate  
Environmental Appeals Administration  
Room 4/19 – Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

On receipt of an appeal and during the appeal process, the main parties will be informed about the next steps and will also normally be provided with additional copies of each others 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.

Guidance on the appeal and procedures is contained in “Secretary of State’s Guidance – General Guidance Manual or Policy and Procedures for A2 and B Installations”. Chapter 30 – Appeals, DEFRA, March 2003, ISBN: 85521 – 028-1, available from DEFRA, Nobel House, 17 Smith Square, London SW1P 3JR, current price £18.; or [www.defra.gov.uk](http://www.defra.gov.uk).

### **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 Schedule 8 of the 2000 Regulations, paragraph 1):-

- Written notice of the appeal;
- A statement of the grounds of appeal;
- A statement indicating whether the appellant wishes the appeal to be dealt with by written representations procedure or a hearing – a hearing must be held if either the appellant or enforcing authority requests this, or if the Planning Inspector or the Secretary of State decides to hold one;
- Appellants must copy the above three items to the local authority when an appeal is made;
- A copy of the relevant application;
- A copy of any relevant Permit;
- A copy of any relevant correspondence between the appellant and the regulator; and
- A copy of any decision or notice, which is the subject matter of the appeal.

Appellants should state whether any of the information enclosed with the appeal has been subject of a successful application for commercial confidentiality under Regulation 31 of the 2000 Regulations and provide relevant details. 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 above described guidance.

### **Please note:**

- An appeal 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 Regulations allow the Secretary of State in addition, to quash any of the other conditions not subject to the appeal and to direct the local authority either to vary any of these conditions or to add new conditions.

## **REFERENCES**

1. The Secretary of State's Guidance PG 3/16 (96). "Mobile Crushing and Screening Procedures".  
Department of the Environment HMSO. (ISBN : 0-11-7533277-x).
2. The Secretary of State's Guidance General Manual on Policy and Procedures for A2 and B Installations.  
Department for Food and Rural Affairs March 2003 (ISBN : 085521 – 028 – 1).

Any queries regarding the contents of this Permit or the explanatory notes should, in the first instance, be made to **Scott Castle (01621 875894)**.

# 1. Interpretations and Explanatory Notes

In relation to this Permit, the following expressions shall have the following meanings:

<i>“Application”</i>	Means the application for this Permit, together with any response to a notice served under Schedule 4 to the PPC Regulations and any operational change agreed under the conditions of this Permit.
<i>“PPC Regulations”</i>	Means the Pollution Prevention and Control (England and Wales) Regulations S.I. 2000 No.1973 (as amended) and words and expressions defined in the PPC Regulations shall have the same meanings when used in this Permit save to the extent they are explicitly defined in this Permit.
<i>“Permitted Installation”</i>	Means the activities and the limits to those activities described in this Permit.
<i>“Monitoring”</i>	Includes the taking and analysis of samples, instrumental measurements (periodic and continual), calibrations, examinations, tests and surveys.
<i>“MCERTS”</i>	Means the Environment Agency’s Monitoring Certification Scheme.
<i>“Fugitive Emission”</i>	means an emission to air or water (including sewer) from the Permitted installation that is not controlled by an emission limit imposed by a condition of this Permit.
<i>“Regulator”</i>	means any officer of Maldon District council who is authorised under Section 108(1) of the Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in Section 108(1) of that Act.
<i>“BAT”</i>	means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent, and where that is not practical, generally to reduce emissions and the impact on the environment as a whole.

For those purposes:

"available techniques" means those techniques which have been developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible to the Operator;

"best" means, in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole;

"techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned. Schedule 2 of the Regulations shall have effect in relation to the determination of best available techniques.

Where any condition of this Permit refers to the whole or parts of different documents, in the event of any conflict between the wording of such documents, the document with the most recent publication date shall be taken to be the most appropriate document to be used.

Any person who is aggrieved by the conditions attached to a Permit can appeal to the Secretary of State for Environment, Food & Rural Affairs. Appeals must be received by the Secretary of State no later than 6 months from the date of the decision (the date of the Permit).

Appeals relating to installations in England should be received by the Secretary of State for Environment, Food & Rural Affairs. The address is as follows;

The Planning Inspectorate  
Environmental Appeals Administration  
Room 4/19 – Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol, BS1 6PN

The appeal must be in the form of a written notice or letter stating that the person wishes to appeal and listing the condition(s) which is/are being appealed against. The following five items must be included;

- a) A statement of the ground of appeal;
- b) A copy of any relevant application;
- c) A copy of any relevant Permit;
- d) A copy of any relevant correspondence between the person making the appeal (“the appellant”) and the Council;
- e) A statement indicating whether the appellant wishes the appeal to be dealt with.
  - by a hearing attended by both parties and conducted by an inspector appointed by the Secretary of State; or
  - by both parties sending the Secretary of State written statements of their case (and having the opportunity to comment upon one another’s statements).

At the same time, the notice of appeal and documents (a) and (e) must be sent to the Council, and the person making the appeal should inform the appropriate Secretary of State that this has been done.

- An appeal 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 other conditions not subject to the appeal and to direct the local authority to either vary any of these conditions or to add new conditions.