



Notice Reference: **MLD/EPR/MP/002**

Princes Road
Maldon
Essex CM9 5DL

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

Variation Notice

To: Richard Dewick (trading as Richard Dewick (Trans))

Of: New House
Curry Farm
Bradwell-on-Sea
Essex
CM0 7HL

COPY

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 ("the 2010 Regulations"), hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference **MLD/EPR/MP/002** granted under the 2010 Regulations in respect of the operation of the mobile activity, whose principal place of operation is:

Richard Dewick (Trans)
New House
Curry Farm
Bradwell-on-Sea
Essex
CM0 7HL

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 consolidated permit as varied by this notice is set out in Schedule 2 to this notice.

Dated: **23rd January 2011**

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



Shirley Hall
Senior Environmental Health Officer
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.

Variation Notice

Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place									
<p>1.1.1 The Operator is permitted to carry out the following activities:</p> <ul style="list-style-type: none"> ▪ The crushing and screening of bricks, tiles and concrete with machinery designed for the purpose (Part 2 to Schedule 1, Section 3.5 B(c) & (d), 'other mineral activities' of the Environmental Permitting (England and Wales) Regulations 2010 ('the EPR') as described, and in accordance with the conditions contained in this permit. <p>And the following associated activities:</p> <ul style="list-style-type: none"> ▪ Storage of waste bricks, tiles or concrete which is intended to be crushed at the place where crushing is carried on (Schedule 3, Part 1 paragraph 24 to the Environmental Permitting (England and Wales) Regulations 2007). ▪ Crushing and screening activities where T5 and T7 exemptions would otherwise apply. <p>This Permit shall be subject to replacement, variation or amendment as may be considered appropriate by Maldon District Council, at any time, according to the provisions of Regulation 20 of the EPR.</p> <p>1.2.1 Richard Dewick (trading as Richard Dewick (Trans)) operates the following mobile crushing and/or screening equipment. The crusher is transported to demolition and/or construction sites nationally, and is used to crush demolished buildings and structures to produce hardcore and infill material. Crushed materials may be stockpiled on site prior to re-use, or may be transported from site to other construction projects. The crushed material may be screened according to the required specification using a single or multi-way mechanical screen. Screened material (stockpiled according to grade prior to dispatch from site for re-use in construction (and similar) projects or may be re-used on site as hardcore and infill material. The mobile plant comprises:</p> <table border="1" data-bbox="236 1512 1193 1624"> <thead> <tr> <th colspan="3">Table 1.2.1</th> </tr> <tr> <th>Make</th> <th>Model</th> <th>Serial number</th> </tr> </thead> <tbody> <tr> <td>Rubblemaster</td> <td>RM80</td> <td>RM80 0006</td> </tr> </tbody> </table> <p>1.2.2 The Operator is permitted to store waste bricks, tiles or concrete intended for crushing at the place of production in accordance with the following requirements:</p> <ol style="list-style-type: none"> a) the total quantity of such waste stored at that place at any time shall not exceed 20,000 tonnes; and b) where the crushing is carried on otherwise than at the place where such waste is produced, the crushing is carried on with a view to the recovery or reuse of the waste. <p>In this condition, 'crushing' means crushing, grinding or other size reduction under an environmental permit to the extent it is an activity within paragraph (a) of Part B of Section 3.5 of Part 2 of Schedule 1.</p>	Table 1.2.1			Make	Model	Serial number	Rubblemaster	RM80	RM80 0006	<p>23rd January 2011</p>
Table 1.2.1										
Make	Model	Serial number								
Rubblemaster	RM80	RM80 0006								

Variation Notice

Schedule 2

Consolidated environmental permit *MLD/EPR/MP/002* issued under the Environmental Permitting (England and Wales) Regulations 2010 as varied by this variation notice.