

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

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

Variation Notice

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

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

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" mobile activity permit dated 7th October 2009 granted under the Environmental Permitting (England and Wales) Regulations 2007, in relation to the following mobile crushing and screening plant:

Plant and equipment			
Make	Plant type	Model	Serial number
Rubblemaster*	Crusher	RM80	0006

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: **24th September 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 of 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>1.0 <u>Asbestos</u></p> <p>1.1 Asbestos shall not be crushed or screened.</p> <p>2.0 <u>Plant use and movement notifications</u></p> <p>2.1 The Operator shall, before the mobile plant is operated, notify the Regulator of the site where the mobile plant is to be operated, and the Regulator who issued the permit:</p> <p>(a) where and when the mobile plant is expected to start operating, and;</p> <p>(b) the serial numbers of the mobile plant involved.</p> <p>2.2 The Operator shall submit to the regulator who issued the permit any changes to the list of permitted plant. The plant new to the list shall not be used until the regulator has approved the alteration to the list of permitted plant.</p> <p>3.0 <u>Emissions and monitoring</u></p> <p>3.1 No visible particulate matter shall be emitted beyond the installation boundary.</p> <p>3.2 The emission requirements and methods and frequency of monitoring set out in Table 1 in Schedule 1 shall be complied with.</p> <p>3.3 All plant and equipment capable of causing, or preventing, emissions shall be maintained in accordance with the manufacturer's instructions. Records shall be kept of such maintenance.</p> <p>4.0 <u>Aggregates delivery and storage</u></p> <p>4.1 Dusty materials (including dusty wastes) shall only be stored in suitable open stockpiles, stock bays or covered storage sheds as detailed on the plan attached to this permit and shall be subject to suppression and management techniques to minimise dust emissions.</p> <p>5.0 <u>Crushers and screening units</u></p> <p>5.1 Crushers shall be totally contained or fitted with a water suppression system over the crusher aperture.</p> <p>5.2 Where the use of water as a method of dust suppression is necessary in order to meet the emission limits, it shall be used. In such circumstances, if water of the required pressure is not available for use on the suppression system, then the process shall not operate.</p> <p>5.3 Deposits of dust on external parts of the plant shall be cleaned off at the end of each working day in order to minimise the potential for wind entrainment.</p>	<p>All conditions: 24th September 2013</p>

5.4 Processed materials likely to generate dust shall be conditioned with water prior to internal transfer.

6.0 Belt conveying

6.1 All dusty materials, including wastes, moved using conveyors shall be protected from wind entrainment and from side winds. All transfer points shall, where necessary, be enclosed, hooded or used with dust suppression to minimise wind entrainment of dust.

7.0 Loading, unloading and transport

7.1 No potentially dusty materials (including wastes) or finished products shall arrive on or leave the site other than by use of sheeted or covered vehicles.

8.0 Roadways and transportation

8.1 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, or shall be kept wet. Quarry haul roads are excluded from this provision.

8.2 Vehicles shall not track material from the site onto the highway.

9.0 Records and training

9.1 Written or computer records of all tests and monitoring shall be kept by the Operator for at least 3 years. They and a copy of all manufacturer's instructions referred to in this permit shall be made available for examination by the Regulator. Records shall be kept of Operator inspections, including those for visible emissions.

9.2 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.

10.0 Best available techniques

10.1 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.

10.2 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.

11.0 General reporting and notifications

11.1 The Operator shall give written notification as soon as practicable (and at least 30 days) prior to any of the following:

- (a) Permanent cessation of the operation of part or all of the Permitted Installation;
- (b) Cessation of operation of all or part of the Permitted Installation for a period likely to exceed 1 year; and
- (c) Resumption of the operation of part or all of the Permitted Installation after a temporary cessation of activities as above.

- 11.2 The Operator shall notify the following matters to the Regulator in writing within 14 days of their occurrence:
- Any change in the Operator's trading name, registered name or registered office address;
 - Any change to the particulars of the Operator's ultimate holding company (including details of an ultimate holding company where an Operator has become a subsidiary);
 - Any steps taken by the Operator going into administration, entering into a company voluntary arrangement, being wound up or bankruptcy;
- 11.3 The Operator shall seek the written agreement of the Regulator for any operational changes to this Permit, by way of variation, and in requesting a change shall include:
- A description of the nature of the proposed change;
 - The nature and quantity of any emission;
 - Details of the technology being applied to reduce such emissions, and associated emissions monitoring;
 - Any other relevant information.
- 11.4 Any such change shall not be made until agreed in writing by the Regulator. From the implementation date, the Operator shall operate the Permitted Installation in accordance with that change, and the relevant provisions of the application shall be deemed to have been amended.

Schedule 1:

Table 1 - Emission limits, monitoring and other provisions					
Row	Substance	Source	Emission limits/provisions	Type of monitoring	Monitoring frequency
1	Particulate matter	Whole process	Avoidance of visible emissions crossing the site boundary	Recorded operator observations	On start-up and on at least two more occasions each day
2	Smoke	Engines	No visible smoke during normal operation	Recorded operator observations	On start-up and on at least two more occasions each day

Schedule 2: Emissions monitoring record sheet



Week Commencing:

Day	Name of assessor	Time	Location	Wind direction	Visual observations*/ Comments	Action taken
Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Signed off by Management:

* Visual observations and comments could include information about the intensity, extent, duration of the emission and the sensitivity of the location, for example:

Intensity	Extent	Sensitivity of Location
No visible dust or smoke	None	Remote (greater than 500m from any receptor)
Faint dust or smoke	Transient and localised (within site boundary)	Low sensitivity (within 500m of industrial receptors)
Moderate dust or smoke	Persistent and localised (within site boundary)	Moderate sensitivity (within 500m of residential receptors)
Significant dust or smoke	Persistent and pervasive (extends beyond site boundary)	High sensitivity (within 100m of residential receptors)
Very significant dust or smoke	Persistent and widespread (extends beyond site boundary)	Extra sensitive (complaints from housing)

Schedule 2

Consolidated Environmental permit reference *MLD/EPR/MP/002* dated **24th September 2013**.