



Reference: MLD/EPR/B/009

Environmental Permitting (England and Wales) Regulations 2016

Determination Notice

To: Maldon Fields Ltd

Company number: 13690152

Registered Office: Midway House
Herrick Way
Staverton
Cheltenham
GL51 6TQ

Principal Place of Business: Maldon Fields Crematorium
Maldon Road
Woodham Mortimer
Maldon
Essex
CM9 6SN

Maldon District Council ("the Council"), in exercise of the powers conferred on it by the Environmental Permitting (England and Wales) Regulations 2016 (as amended) ("the 2016 Regulations"), hereby gives you notice that accepted your application for the following activities as **Granted**:

- The cremation of human remains (paragraph (b) of Part B of Section 5.1)

Permit reference MLD/EPR/B/009 forms Schedule 1 to this Determination.

Signed: _____


Nick Chapman
Head of Environmental Health, Waste and Climate Action

Dated: 15th October 2024



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 PPC General Guidance Manual.

1. Dealing with this 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 Determinations. Where a consolidated permit is not included this Determination notice must be read in conjunction with your permit document.

2. Appeals

Under regulation 31 and Schedule 6 of the 2016 Regulations operators have the right of appeal against the conditions attached to their permit by a Determination 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 when determining an appeal. Appeals against a Determination 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 Determination Notice must be given within two months of the date of the Determination 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.

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 the Secretary of State or Welsh Minister with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2016 Regulations):

- 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. Appeals should be sent 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.

3. Costs

You will be expected to pay your own costs to appeal 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.

4. 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.

5. 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.

6. Fines & convictions

This is criminal law. A person guilty of an offence under this regulation could be liable (i) on summary conviction, to a fine^a; or (ii) on conviction to a fine or imprisonment for a term not exceeding two years or both.

a The statutory cap on the maximum fine that can be imposed on summary conviction (previously £5,000) has been removed for most statutory criminal offences. The change applies to offences committed on or after 12 March 2015 (but is not retrospective); See The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (SI 2015/664).



Reference: MLD/EPR/B/009

**Environmental Permitting (England and Wales)
Regulations 2016**

Determination Notice

Schedule 1

Permit reference MLD/EPR/B/009 dated 15th October 2024.