

Notice Reference: **MLD/EPR/B/004**

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

Variation Notice

To: Riverside Building Supplies Limited

Of: 3 Warners Mill
Silks Way
Braintree
Essex
CM7 3GB

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" permit reference MLD/EPR/B/004 dated 30th December 2010 granted under the Environmental Permitting (England and Wales) Regulations 2010, in relation to the following timber activity:

Riverside Building Supplies Limited
Riverside House
Hall Road
Heybridge
Maldon
Essex
CM9 4NF

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: **18th October 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 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.

Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place
<p><u>Emissions and monitoring</u></p> <p>1. No visible particulate matter shall be emitted beyond the installation boundary.</p> <p>2. The emission requirements and methods and frequency of monitoring set out in Table 1 shall be complied with. Sampling shall be representative.</p> <p>Any monitoring display required for compliance with the permit shall be visible to operating staff at all times. Corrective action shall be taken immediately if any periodic monitoring result exceeds a limit in Table 1, or if there is a malfunction or breakdown of any equipment which might increase emissions. Monitoring shall be undertaken or repeated as soon as possible thereafter and a brief record shall be kept of the main actions taken.</p> <p>3. All plant and equipment capable of causing, or preventing, emissions and all monitoring devices shall be calibrated and maintained in accordance with the manufacturer's instructions. *Records shall be kept of such maintenance.*</p> <p><u>Silos where used</u></p> <p>4. Wood dust shall only be stored within the wood dust silo(s). Silos shall be filled at a rate that does not pressurise the silo.</p> <p>5. Dust emissions from loading or unloading vehicles used for wood dust storage shall be minimised by the use of trailers equipped with on-board filtration systems. Wood dust transport systems must be turned off when connecting or disconnecting transfer lines to storage vehicles. Storage vehicles shall be filled at a rate that does not over pressurise the container.</p> <p>6. Silos and bulk containers of dusty materials shall not be overfilled and there shall be an overfilling alarm.</p> <p>7. Displaced air from pneumatic transfer shall pass through abatement plant prior to emission to air.</p> <p><u>Storage of materials</u></p> <p>8. Dusty materials (including dusty wastes) shall only be stored in covered containers or as detailed on the plan attached to this permit and shall be subject to suppression and management techniques to minimise dust emissions.</p> <p><u>Belt conveying where used</u></p> <p>9. All dusty materials, including wastes, shall be conveyed using covered or enclosed conveyors. All transfer points shall be covered or enclosed.</p>	<p>All conditions: 18th October 2013</p>

Loading, unloading and transport

10. Where pneumatic or enclosed handling systems are required, depends on particle size, moisture content etc. The transportation and handling of wood dust and wood particles shall be carried out using pneumatic or enclosed handling systems
11. When wood dust is moved using on site transport, it shall be held in covered or enclosed containers.
12. No potentially dusty materials (including wastes) shall leave the site other than by use of enclosed containers or covered vehicles

Arrestment Equipment

13. Replace all filter media every 4 years, or at a frequency agreed with the regulator provided that the Operator can demonstrate that filter media is changed before failure or in accordance with manufacturer's instructions.

Techniques to control fugitive emissions

14. Select according to visible dust potential of each process building. The fabric of process buildings shall be maintained so as to minimise visible dust emissions.

Records and training

15. Written or computer records of all tests and monitoring shall be kept by the operator for at least 24 months. They, and a copy of all manufacturer's instructions referred to in this permit, shall be made available for examination by the Council. *Records shall be kept of operator inspections, including those for visible and odorous emissions.*
16. 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.

Best available techniques

17. 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.
18. 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.

Table 1 - Emission limits, monitoring and other provisions

Row	Substance	Source	Emission limits/provisions	Type of monitoring	Monitoring frequency
1	Particulate matter	Whole Site	No visible emission	Visual observations Particular attention should be paid to areas where vehicles are filled with wood waste and wood dust	On start-up and on at least two more occasions during the working day
2	Particulate matter	Arrestment plant (not cyclones) designed with exhaust flow rate >300m ³ /min	No visible emission	Visual observations	On start-up and on at least two more occasions during the working day
3	Particulate matter	Arrestment plant (not cyclones) designed with exhaust flow rate <300m ³ /min	No visible emission	Visual observations	At least daily
4	Particulate matter	Cyclones	No visible emissions	Continuous indicative monitoring devices with visual and audible alarms which activate on cyclone malfunction and which indicate e.g. blockages (data logging should not normally be necessary).	Continuous to show arrestment equipment is functioning correctly
5	Particulate matter and smoke	Combustion processes (see also Note d)	No visible smoke and must not exceed Ringelmann Shade 1 as described in British Standard BS 2742.	Visual observations	On start-up and on at least two more occasions during the working day
6	Droplets, persistent mist and fume	All emissions to air (other than steam or condensed water vapour)	No droplets No persistent mist No persistent fume	Visual observations	On start-up and on at least two more occasions during the working day

Notes:

All periodic monitoring results shall be checked by the operator on receipt and sent to the Council within 8 weeks of the monitoring being undertaken.

- a) All periodic monitoring shall be over a period that shall be representative and shall use standard methods.
- b) The emission limits do not apply during start-up and shut down. All emissions shall be kept to a minimum during these periods.
- c) **Row 5 does not apply to any combustion process using fuel manufactured from waste in appliances with a net rated thermal input greater than 0.4MW** – the provisions of PG Note 1/12 apply.
- d) Where the plant is discharging to the external atmosphere.

Schedule 2

Consolidated Environmental permit reference **MLD/EPR/B/004** dated **18th October 2013**.