

SWALE BOROUGH COUNCIL**The Environmental Permitting (England and Wales) Regulations 2010
(S.I. 2010 No 675) (As Amended)
Regulation 20****Variation Notice**

To: Countrystyle Recycling Limited

Registered Office: Countrystyle Group Head Office
Ashford Road
Lenham
Maidstone
Kent
ME17 2DL

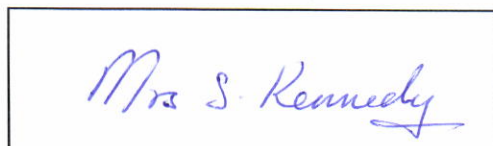
Company Number: 05103813

Installation Address: Countrystyle Recycling
Transport Yard
Ridham Dock Road
Iwade
Sittingbourne
Kent
ME9 8SR

Swale Borough Council ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010¹ ("the 2010 Regulations") hereby gives you notice as follows-

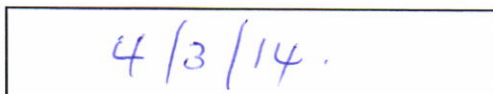
- 1 The Council has decided to vary the conditions of permit reference EPR-B-45 granted under regulation 13(1) of the Environmental Permitting Regulations 2010 in respect of the operation of the installation at the address detailed above.
- 2 The variation of the conditions of the permit and the date [s] on which they are to take effect are specified in Schedule 1 to this notice.
- 3 A consolidated permit as varied by this notice is set out in Schedule 2.

Signed



Sue Kennedy
Authorised to sign on behalf of
Swale Borough Council

Dated



¹ SI 2010 No. 675

Schedule 1

Variation to the conditions of the permit
The following amendments have been made to your permit

CONDITIONS**Asbestos**

1. Asbestos shall not be crushed or screened.

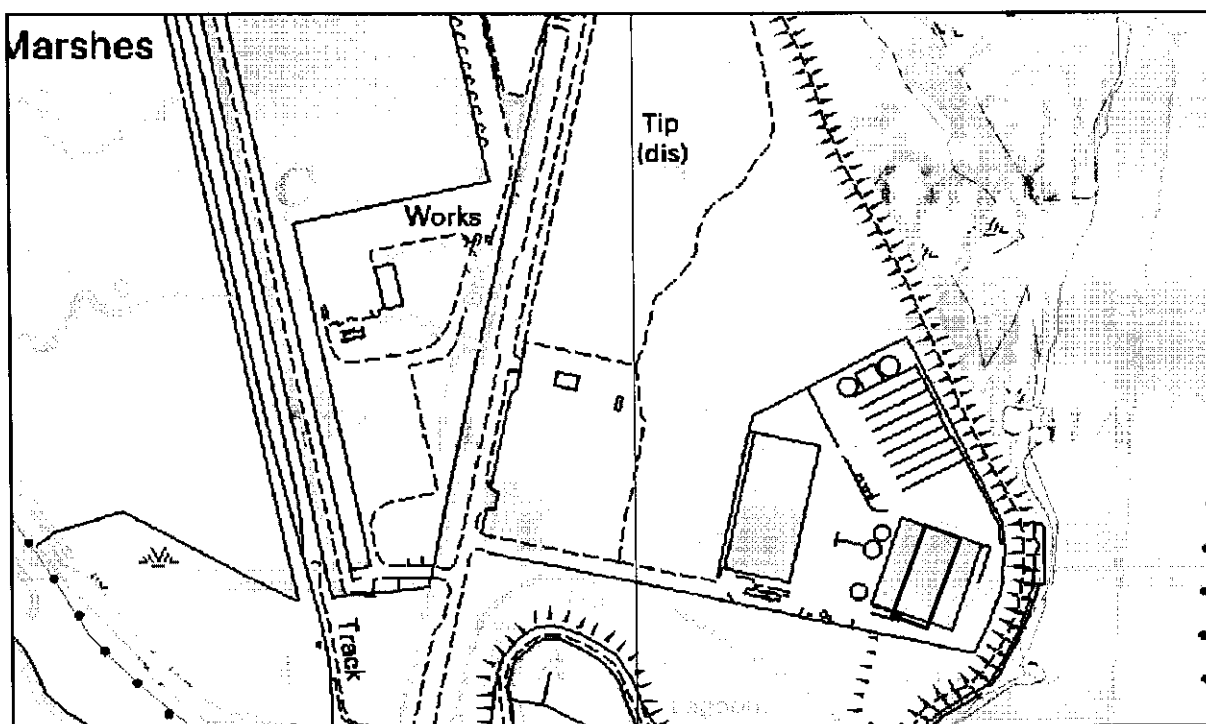
Notifications

2. 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:
 - a. where and when the mobile plant is expected to start operating, and
 - b. the serial numbers of the mobile plant involved.
3. 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.

Emissions and monitoring

4. No visible particulate matter shall be emitted beyond the installation/ mobile plant/ construction site boundary.
- 4.1 The Operator is authorised to carry out the activities and/or associated activities as specified and within the boundary shown in red on the plan below:

Site Plan



5. The emission requirements and methods and frequency of monitoring set out in Table 1 shall be complied with.
6. All plant (including those listed in Schedule A) and equipment capable of causing, or preventing, emissions shall be maintained in accordance with the manufacturers' instructions. Records shall be kept of such maintenance.

Aggregates delivery and storage

7. Dusty materials (including dusty wastes) shall only be stored in a manner that avoids the creation of excessive air-borne dust and shall be subject to suppression and management techniques to minimise dust emissions.

Crushers and screening units

8. Crushers shall be totally contained or fitted with a water suppression system over the crusher aperture
9. 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.
10. 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.
11. Processed materials likely to generate dust shall be conditioned with water prior to internal transfer.

Belt conveying

12. All dusty materials, including wastes, shall be conveyed using conveyors and transfer points fitted with adequate protection from wind whipping, to include wind boards, hoods, water suppression and other techniques as necessary to meet the emission limits.

Loading, unloading and transport

13. For vehicles under the control of the mobile plant Operator, no potentially dusty materials (including wastes) or finished products shall arrive on or leave the site other than by use of sheeted or otherwise enclosed vehicles.

Roadways and transportation

14. 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.
15. Vehicles shall not track material from the site onto the highway.

Records and training

16. 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 manufacturers' 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 emissions.
17. 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

18. 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 mobile plant which is not regulated by any other condition of this permit.
19. 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

Substance	Source	Emission limit/provisions	Type of monitoring	Monitoring frequency
Particulate matter	Whole process	Avoidance of visible emissions crossing the (construction) site boundary	Recorded Operator observations	On start up and on at least two more occasions each day
Smoke	Engines	No visible smoke during normal operation	Recorded Operator observations	On start up and on at least two more occasions each day

*Note: All conditions relating to the use of water for the purpose of dust suppression must be complied with, either by utilising a piped supply on site or an imported tank supply. The absence of a piped water supply to the site shall not negate the conditions relating to the use of water for dust suppression. Consideration will be given to the extent of suppression required where no piped supply is available.

End of Conditions

Schedule A

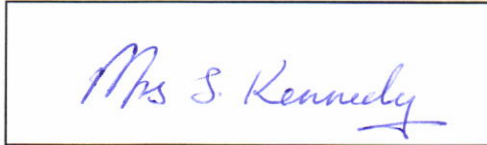
The following plant is permitted to operate either as standalone plant or in combination with any other plant permitted. Each working set equivalent to one permit for the purposes of fees chargeable in accordance with the fees and charges scheme.

Model/Make/Serial number
Jenz AZ660 Shredder (Serial No. 2312-11-08) and associated screens

End of Permit

The above variations take effect immediately

Signed



Sue Kennedy
Authorised to sign on behalf of
Swale Borough Council

Contact Details:

Environmental Protection Team
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Tel: 01795 424341

Fax: 01795 417141

www.swale.gov.uk

E-mail: pollution@swale.gov.uk

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 EP General Guidance Manual at <http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/manuals.htm>.

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.

Offences

Failure to comply with a Variation Notice is an offence under regulation 38(2) 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.

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 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 the Secretary of State or Welsh Minister with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2010 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.

Where to send your appeal documents

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

Or for appeals in Wales:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

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.

Confidentiality

An operator may request certain information to remain confidential, ie 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 EP 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 2

Consolidated Permit Reference EPR-B-45-P1 follows:

