

EP Permit ref: PPC/B/01

Variation ref: V08/2010

Barrow Borough Council
Environmental Permitting (England and Wales) Regulations 2007, Regulation 20

Variation Notice

To Aggregate Industries Ltd, Bardon Hall, Copt Oak Road,
Markfield, Leicestershire. LE67 9PJ.

Barrow Borough Council ("the Council") , in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2007 ("the 2007 Regulations") hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference PPC/B/07 granted under regulation 13 of the 2007 Regulations in respect of the operation of the mobile plant registered at **Aggregate Industries Ltd (Trading as BARDON CONTRETE) Bouthwood Road, Sowerby Woods Business Park, Barrow-in-Furness, Cumbria LA14 4QR**

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. A consolidated permit as varied by this notice ~~and by variation notices ref: [] []~~ is set out in Schedule 2.

~~[You are hereby required to pay by no later than [...date] the sum of £[...] the fee, if any, prescribed in respect of a variation notice in the relevant charging scheme made under regulation 22 of the 2000 Regulations or section 41 of the Environment Act 1995¹].~~

Signed on behalf of Barrow Borough Council

20th September 2010

Date.....

.....
Chief Environmental Health Officer
An authorised officer of the Council

¹ 1995 c.25

Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place.
<p>CONDITION 7 Variation to completed time related condition From: <i>7. Within THREE MONTHS the operator shall provide a list of key arrestment plant and shall have a written procedure for dealing with its failure, in order to minimise any adverse effects.</i> To: <i>7. To minimise any adverse effect the operator shall have a written procedure for dealing with the failure of all key arrestment plant.</i></p>	<p>20th September 2010</p>
<p>CONDITION 40 Variation to condition following request from the operator From: <i>40. A road sweeper shall be employed twice a month to clean the yard and roadways.</i> To: <i>40. A road sweeper shall be employed as and when required to clean the yard and roadways.</i></p>	<p>20th September 2010</p>
<p>GENERAL Head Office Address amended to <i>Bardon Hall, Copt Oak Road, Markfield, Leicestershire LE67 9PJ.</i> References to Pollution Prevention and Control (England and Wales) Regulations 2000 amended to <i>Environmental Permitting (England and Wales) Regulations 2007</i></p>	<p>20th September 2010</p>

Signed on behalf of Barrow Borough Council

20th September 2010

..... Date.....
 Chief Environmental Health Officer
 An authorised officer of the Council

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Schedule 2

Permit reference PPC/B/01, as varied by this notice and variation notice V08/2010, is attached.

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.)

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 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(1) (b) of the 2007 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £20,000 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 2007 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 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 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 with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2007 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 2007 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 dispatched on the day they are dated, and addressed to:

The Planning Inspectorate
Environmental Appeals Administration
Room 4/12 - Eagle 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.

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 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 has decided the matter.