

EP Permit ref: B13/93

Variation ref: PPC 07/09

Variation Notice

From: HuntingdonshireDistrict

Council ("the Council")

To: (1)

Eaton Tractors Ltd
Pitt Farm
Great North Road
Little Paxton
St Neots
PE19 6EN

The Council, in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2007 ⁽²⁾ ('the 2007 Regulations') hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference B13/93 granted under [regulation 10(2) of the Pollution Prevention and Control (England and Wales) Regulations 2000] [regulation 13(1) of the 2007 Regulations] in respect of the operation of the ~~installation~~/mobile plant at:

Pitt Farm
Great North Road
Little Paxton
St Neots
PE19 6EN

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 the sum of £~~
~~- the fee prescribed in respect of a variation notice in the relevant charging scheme made under regulation 65 of the 2007 Regulations [and] [or] section 41 of the Environment Act 1995 for LA-IPPC only where there are separate charges in relation to water discharges ⁽³⁾.]~~

Signed on behalf of HuntingdonshireDistrict

Council

Dated 14th July 2009

Signed



DA

Designation Head of Environmental and Community Health Services

An authorised officer of the Council

(1) The operator at the address shown on permit / application.

(2) SI 2007/3538

(3) 1995 c.25.

EP Permit ref: B13/93
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Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place
All conditions	14th July 2009

Signed on behalf of Huntingdonshire District

Council

Dated 14th July 2009

Signed



AK

Designation Head of Environmental and Community Health Services

An authorised officer of the Council

EP Permit ref: B13/93
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Schedule 2

Permit reference B13/93
~~variation notices~~

as varied by this notice and

(Insert amended or full consolidated permit).

PERMIT

Pollution Prevention and Control Act 1999

Environmental Permitting (England and Wales) Regulations 2007

Permit Reference No: B13/93

Huntingdonshire District Council (the regulator) hereby permits Eaton Tractors Ltd Pitt Farm High Street Little Paxton St Neots PE19 6QH to operate a mobile crusher as defined in Part 2 of Schedule 1 to the EP Regulations Section 3.5 Part B, and as described below in accordance with the following conditions which shall apply forthwith.

Address of permitted activity: Eaton Tractors Ltd
Pitt Farm
Great North Road
Little Paxton
St Neots
PE19 6EN

Description of Activity

The crushing plant has the ability to be removed off site to be used although it is normally sited on land at Little Paxton. The crusher is a self contained unit consisting of a feed hopper, roller bearing crusher, delivery conveyor, power unit and crawler tracks for mobility. Materials are fed by loading shovel into the feed hopper to be crushed and/or screened ready for stockpiling on site or loading into delivery vehicles.

Conditions

	Substance	Source	Limit	Type of monitoring	Monitoring frequency
1	Particulate matter	Whole process	Avoidance of visible emissions crossing the site boundary	Recorded operator observation	On start up and on at least two more occasions when being used

2. The operator shall keep records of inspections, tests, and monitoring including visual assessments. The records shall be:
 - (a) Kept on site.
 - (b) Kept by the operator for at least two years.
 - (c) Made available for the regulator to examine.

3. In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions the operator shall:
 - (a) Investigate and undertake remedial action immediately.
 - (b) Adjust the process or activity to minimise those emissions.
 - (c) Promptly record the events and actions taken.
4. Where, in the opinion of the regulator, there is evidence of airborne dust from the process off the site, corrective action shall be taken without delay. If the source of the emission is uncertain the operator shall make their own inspection and assessment.
5. The local regulator whose area the plant will be operating in and the issuing authority shall be informed of any location changes of the crusher.
6. The local regulator whose area the plant is operating in and the issuing authority shall be informed without delay if there is an emission that is likely to have an effect on the local community.
7. Dust suppression techniques shall be used on any areas, including roadways and stockpiles that give rise to visible dust emissions which cross the site boundary.
8. The operator shall maintain a statement of training requirements and procedures for correct use of the crusher and associated equipment.
9. Training of all staff with responsibility for operating the process shall include:
 - (a) Awareness of their responsibilities under the permit.
 - (b) Minimising emissions on start up and shut down.
 - (c) Action to minimise emissions during abnormal conditions.
10. A written maintenance programme shall be produced with respect to the crusher and associated equipment. A record of such maintenance shall be available for inspection.
11. Spares and consumables – in particular, those subject to continual wear – shall be held on site, or shall be available at short notice from guaranteed local suppliers, so that plant breakdowns can be rectified rapidly.
12. 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

Signed:  Date: 14 July 2009
Head of Environmental and Community Health Services

GENERAL NOTES

1 Best available techniques

The best available technique shall be used to prevent or, where that is not practicable, reduce emissions from the installation or mobile plant in relation to any aspect of the operation of the installation or mobile plant which is not regulated by any other condition of this permit.

2 Variation

The regulator will ensure that the permit remains up to date in line with the requirements set out in Regulation 20(1). This may involve issuing a Variation Notice following amendment to the Secretary of State's Guidance Notes or following receipt of any direction from the Secretary of State.

3 Review of Conditions

The regulator may at any time undertake a review of the conditions in this permit under Regulation 34(1). Where significant pollution is encountered or where there are changes in BAT or where the operational safety of the activity requires other techniques to be used an immediate review shall be undertaken.

4 Appeal

The permitted operator can appeal in writing to the Secretary of State against the items listed in Regulation 31.

5 Transfer of Permit

The permitted operator who wishes to transfer the whole or part of the permit to a person who proposes to carry out the activity in the holder's place may do so in accordance with Regulation 21. Both the operator and the proposed transferee shall jointly make an application to the regulator to effect the transfer. An application shall include the permit and any fee prescribed in respect of the transfer under Regulation 19 and shall contain the operator's and the proposed transferee's contact details.

6 Notification of Proposed Change of Operation

If the operator proposes to make a change in operation of the installation, they 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. Change of operation means a change in the nature of functioning, or an extension, of the installation, which may have consequences for the environment.

7 Variation of Conditions of Permits

Under Regulation 20, the operator may apply to the regulator to vary the conditions contained within the permit. Such application shall be made in accordance with Part 1 of Schedule 5 and shall be accompanied by any fee prescribed in respect of the application under Regulation 19; and paragraphs 8 of Part 1 of Schedule 5 and paragraphs 5(3) and (4) of schedule 5 shall have effect with respect to such applications.

8 Other Legal Requirements

This permit is issued solely for the purpose of the Pollution Prevention and Control Act and its associated Regulations and the operator must ensure that he complies with all other statutory requirements.

9 Annual Subsistence Charge

The Secretary of State has drawn up a charging scheme under Regulation 19. Under this scheme Local Authorities are required to levy an annual subsistence charge related to the permit. The Local Authority will invoice for the amount due which is subject to annual review by the Department of the Environment Food and Rural Affairs.

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 PPC General Guidance Manual at <http://www.defra.gov.uk/environment/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(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/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 the Secretary of State or Welsh Minister 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 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 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.