



The Environmental Permitting (England & Wales) Regulations 2010 (as amended)
Regulation 20 [and Regulation 18 *in relation to consolidated permits*]

Permit Number: LAPPC013
Variation Ref: LAPPC013 1016

Variation Notice

From: Borough Council of King's Lynn & West Norfolk ("the Council")

To: Middleton Aggregates Limited
Mill Drove
Blackborough End
King's Lynn
Norfolk
PE32 1SW

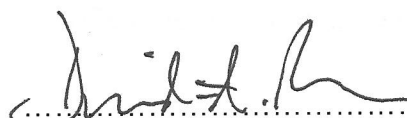
The Council, in the exercise of the powers conferred upon it by Regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 ("the 2010 Regulations") hereby gives you notice as follows:

The Council has decided to vary the conditions of permit ref. LAPPC013 granted under Regulation 13(1) of the 2010 Regulations in respect of the mobile plant operated by:

Middleton Aggregates Limited, Mill Drove, Blackborough End, King's Lynn, Norfolk, PE32 1SW

The variation of the conditions of the permit and the date on which they are to take effect are specified in Schedule 1 to this notice. A consolidated permit as varied by this notice is set out in Schedule 2.

Signed on behalf of the Borough Council of King's Lynn & West Norfolk


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Date 12 October 2016

Environmental Health Manager – Environment
An authorised officer of the Council



Permit Number: LAPPC013
Variation Ref: LAPPC013 0616

Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place
Change to the Activity Description Removal of: Parker JR 0960 Jaw crusher serial number P10195 from the equipment list Addition of: Kleeman MC110R EVO jaw crusher serial number K005.0079	12 October 2016
Remove Condition 16 "A record of such maintenance to be made available for inspection, and a summary of the maintenance carried out in the previous 12 months shall be submitted annually to the Council on 1 st August." As this condition is not in the model permit in the Process Guidance Note 3/16(12)	12 October 2016

Date 12 October 2016

Environmental Health Manager – Environment
An authorised officer of the Council

Schedule 2

Permit reference LAPPC013 as varied by this notice and notices dated 20 March 2007, 1 July 2009 and 18 October 2013.

A full consolidated permit is attached to this notice.



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 <https://www.gov.uk/government/collections/defra-guidance-on-local-authority-pollution-control-lapc-regime>

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

Failures 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 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 given under regulations 61 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 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 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 commercial 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 dispatched on the day they are dated, and addressed to:

In England:

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

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 enquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6 either the appellant or the local 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 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 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 considered 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 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, 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.