



ENVIRONMENT
AGENCY

ENVIRONMENTAL PROTECTION ACT 1990. WASTE MANAGEMENT LICENCE.

LICENCE REF No :- 1.056.55

FACILITY TYPE :- Transfer Station

The Environment Agency, in pursuance of Part II of the Environmental Protection Act 1990, hereby grant a waste management licence authorising the keeping and treatment of controlled waste on the land specified in schedule 1 to this licence to Beacon Waste Limited, 106 High Street, Evesham, Worcestershire those persons being in occupation of the said land, the said licence being subject to the conditions specified in schedule 3 to this licence.

In this licence the words and expressions contained in schedule 2 shall have the meaning assigned to them therein.

SCHEDULE 1.- SPECIFIED LAND.

The licence relates to the land at Rotherwas Transfer Facility, Chapel Road, Rotherwas Industrial Estate, Hereford (hereinafter called "the site") shown edged red on Drawing Reference Number DRG 025/20 "Area of Application", dated February 1997 and attached to this licence.

Signed 
Environment Planning Manager - Upper Severn Area

Name Robert Harvey

Dated 13/1/98

FOR ENVIRONMENT AGENCY OFFICIAL USE ONLY.

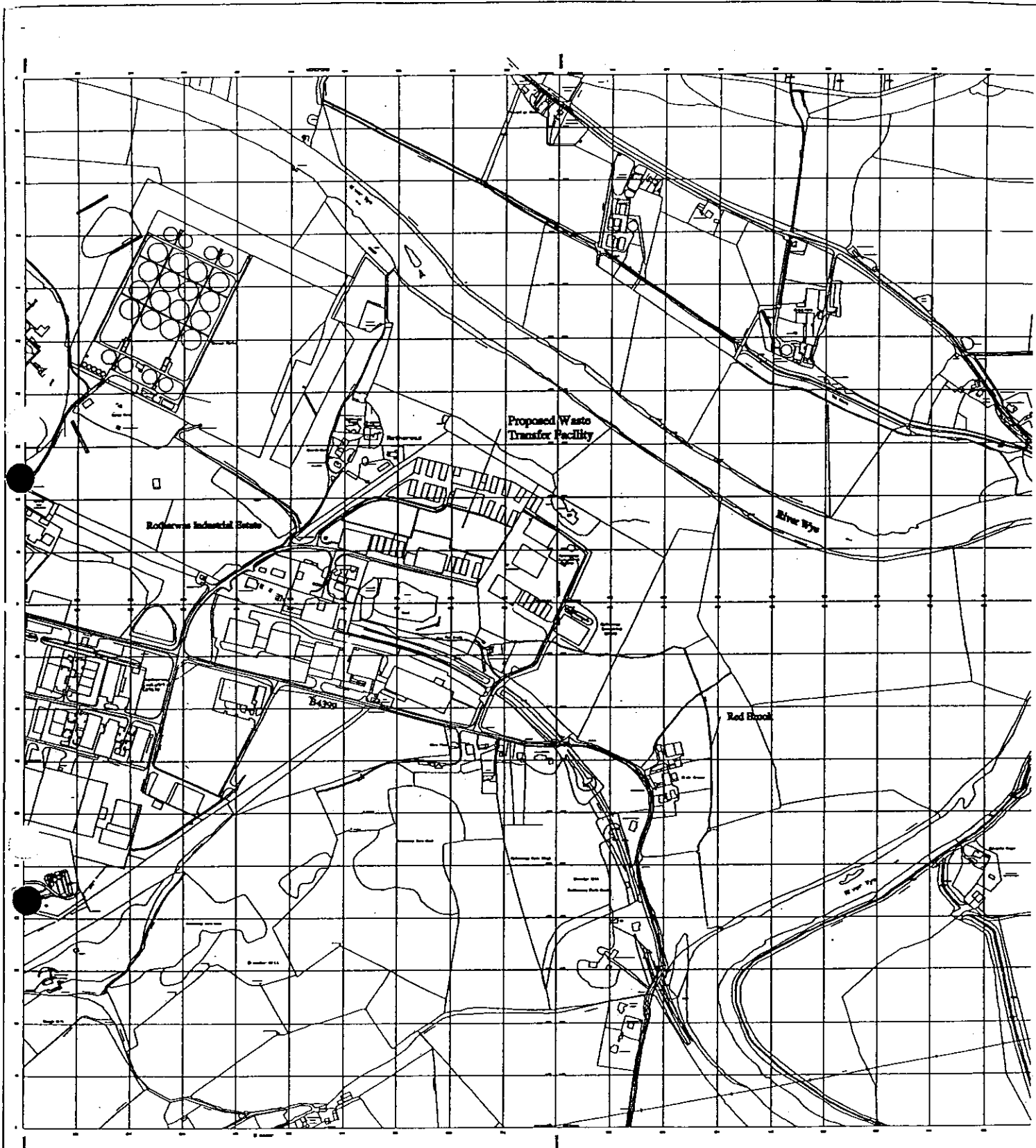
ENVIRONMENT AGENCY

YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL DETAILED IN THE
NOTES AT THE END OF THIS LICENCE.

ENVIRONMENT AGENCY, UPPER SEVERN AREA, HAFREN HOUSE, WELSHPOOL ROAD, SHELTON, SHREWSBURY, SY8 1BB

LETTER No. 3330





Based upon the Land-Line Ordnance Survey map with the permission of The Controller of Her Majesty's Stationery Office, Crown copyright reserved, Licence number AL 51434A.

NOTE:
Ordnance Survey NGR SO 53843814 (centre of site)

Figure 1

SUBJECT ROTHERWAS WASTE TRANSFER FACILITY	SURVEYED DATE JF 04/97	SCALE 1/10000	REV  Beacon WASTE Beacon Waste Ltd, 106 High Street, Evesham, Worcs. WR11 4EL. Tel: (01586) 443376 Fax: (01586) 446757
TITLE LOCATION PLAN	CHECKED DATE AP 04/97	DWG FILE 025/20	



SCHEDULE 2 - INTERPRETATION.

Licence holder: means the person, persons or company to whom the licence is issued, or any person, persons, or company to whom the licence is transferred in accordance with relevant legislative requirements.

Environment Agency: shall have the meaning assigned to it in section 1 of the Environment Act 1995. In this licence all references to the Agency shall be taken as a reference to the Environment Agency.

Agency Area Office: shall mean Hafren House, Welshpool Road, Shelton, Shrewsbury, SY3 8BB.

Working Plan: the documents and drawings detailing the intended methods of operations for this licence and any later drawings or written statements received by the Agency in substitution or augmentation of such drawings or documents subject to individual changes having been agreed by the Agency where this licence so requires.

Authorised Officer: means any person authorised in writing by the Environment Agency pursuant to section 108(1) of the Environment Act 1995.

Difficult waste: is as defined by Appendix C of the Department of the Environment Waste Management Paper number 26 (1986).

Special waste: is as defined by regulations made under Section 62 of the Environmental Protection Act 1990

Emergency: shall mean a situation in which a person has reasonable cause to believe that an immediate threat of pollution of the environment or harm to human health exists.

Technically Competent Management: shall mean those persons identified by the licence holder as being responsible for the day to day management of the site and satisfying the requirements of section 74(3)(b) of the Environmental Protection Act 1990, Regulations 4 and 5 of the Waste Management Licensing Regulations 1994 or any statutory provisions or regulations amending or replacing them.

Relevant Offences: within the meaning of Regulation 3 of the Waste Management Licensing Regulations 1994 or any statutory provisions or regulations amending or replacing them.

Relevant person: any Director, Manager, Secretary or other similar officer where the licence holder is a body corporate.

Working Days: shall mean Monday to Friday excluding Bank and Public Holidays. Bank and Public Holidays shall mean those days prescribed by H.M. Government as being such.

These definitions apply only for the purposes of this licence in the interests of ensuring clarity.

Signed 
Robert Harvey
Environment Planning Manager

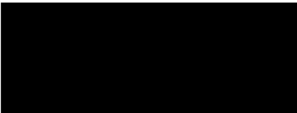




SCHEDULE 3 - CONDITIONS RELATING TO THIS LICENCE

A. The Working Plan

- A1. The drawings and the statement of intended methods of operation entitled "Rotherwas Waste Transfer Facility" which was submitted as part of the application for this licence and any later drawings or written statements received in writing by the Agency in substitute for, or in augmentation of such a drawing and statement will hereinafter be referred to as the "Working Plan".
- A2. Those parts of the Working Plan referred to by Conditions which specify that "Condition A2 applies" cannot be altered without modifying this licence or some of its Conditions.
- A3. Those parts of the Working Plan referred to by Conditions which specify that "Condition A3 applies" shall not be altered by the licence holder nor shall the licence holder operate contrary to those Conditions without the prior written approval of the Agency. Requests to alter such parts of the Working Plan shall be made in writing to the Agency. If no response is made by the Agency within 28 days, of the acknowledged/proven date of receipt, the alteration shall be deemed agreed and may be implemented.
- A4. If no agreement can be reached on changes to the Working Plan under Condition A3 no change shall be implemented.
- A5. In any case other than that specified in Conditions A2 and A3 the licence holder shall notify the Agency of any changes to the Working Plan within 7 days of the change being implemented. Such notice shall be in writing and shall include specific details of the changes made and the date of implementation of said changes. If changes are made to drawings or plans, new drawings and plans shall be supplied at the time of notification.
- A6. Without prejudice to the Agency's powers under sections 42 and 59 of the Environmental Protection Act 1990 the formal framework for providing documentation, under any Condition of this licence, which requires the approval/agreement of the Agency is as follows:
- (a) the report shall be submitted within the time scale stated in the Licence Condition;
 - (b) the Agency shall normally accept/reject the contents of the report (or put forward alternative proposals) within 28 days;
 - (c) in certain circumstances a longer assessment period may be required by the Agency and this shall be notified to the licence holder within the 28 days (agreement shall not be unreasonably withheld);

Signed 
Robert Harvey
Environment Planning Manager





(d) if no response is made by the Agency within 28 days (or other agreed time scale) of the acknowledged/proven date of receipt, the report shall be deemed accepted and any works suggested undertaken.

- A7. A document which is appended to the Working Plan shall subsequently be amended under the terms of Condition A3 unless otherwise agreed.
- A8. Subject to the Conditions of this licence, the licence holder shall conduct the operations in accordance with the Working Plan. In the event of any details of the Working Plan being in conflict with the licence conditions, the licence conditions shall prevail.
- A9. The Working Plan shall be reviewed periodically in consultation with the Agency and any changes documented in a report to the Agency.

B. Waste Types and Quantities

- B1. Waste deposited at the site shall be restricted to the following at a maximum daily rate of 300 tonnes, of which no more than 50 tonnes may be difficult waste. Notwithstanding the above the maximum quantity of waste deposited at the site shall not exceed 75,000 tonnes per annum.

Table One

Waste Type	Code	Maximum Daily input (tonnes)
Household & Commercial (Including drained road sweepings)		200
Industrial (Non-hazardous)		50
Inert (Including excavated materials)		50
Difficult Wastes		
Scrap Rubber (including tyres)	L30	15
Empty used Containers	Q30	10
Drain/interceptor waste	R20	5
Animal bedding	T13	10
Food processing waste	T20	10

Signed 
Robert Harvey
Environment Planning Manager





- B2. Wastes other than those specified in Condition B1 shall not be stored or kept or caused or permitted to be stored or kept for any period on the site other than in accordance with Condition G3 of this licence.
- B3. Waste shall only be deposited, stored and/or treated at the locations detailed in the Working Plan. Condition A3 applies.
- B4. Wastes shall be restricted to solid wastes and sludges only.
- B5. All sludges will have been subjected to a physical process for the removal of liquid and will not exhibit free liquid when received on site as detailed in the Working Plan.
- B6. Wastes detailed below shall be specifically excluded from deposit at the site.
- (a) Liquid wastes, pumpable sludges, and wastes with a moisture content in excess of 80% v/v.
 - (b) Waste with a pH outside the range 4 to 11.5.
 - (c) Waste with a flashpoint less than 55 degrees Celsius.
 - (d) Wastes which are contained in pressurised containers, except for aerosol cans which constitute an inherent component of household waste.
 - (e) Wastes which are explosive, oxidising, reactive with air or water or flammable.
 - (f) Any sealed containers.
- B7. Other than in an emergency waste deposited at the facility during the period Sunday to Friday, shall be stored in accordance with the Working Plan and shall not remain at the facility for longer than twenty four hours. Waste deposited on a Saturday shall not remain at the facility for longer than forty eight hours.
- B8. No wastes shall be accepted at the site which are suspected of being contaminated. Any waste suspected of being contaminated shall be dealt with in accordance with the Working Plan.
- B9. (a) No difficult wastes other than those specified in condition B1 above shall be accepted at the facility other than where they arise as an integral part of any household wastes delivered by or on behalf of a Waste Collection Authority.
- (b) No clinical wastes or other obnoxious wastes shall be deposited at the facility other than where they arise as an integral part of any household wastes delivered by or on behalf of the Waste Collection Authority.

Signed 
Robert Harvey
Environment Planning Manager





C. Notice of Operations and Operational Hours

- C1. (a) Fourteen days notice in writing shall be given in advance to the Agency of the date on which operations are to commence, or re-commence in the event of a temporary cessation for a period in excess of one month.

(b) Any temporary cessation of operations for a period in excess of one month shall be notified in writing to the Agency.

- C2. (a) Subject to Condition C4 wastes shall be delivered to the site and machinery or plant shall be operated for the purpose of treating of wastes only between the hours of:-

Day	Operating hours	Waste Collection and Delevary
Monday to Friday	0600 - 1800	0730 - 1730
Saturday	0730 - 1300	0800 - -1230
Sunday	0900 - 1300	0900 - 1300

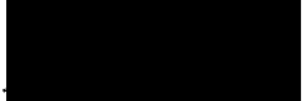
(b) Machinery or plant shall be operated outside of the above hours only for the cleansing of the site road or where it is necessary to operate plant in the event of an emergency.

(c) On Sundays the site shall only accept bulky household wastes collected from Household Waste Reclamation Centres.

- C3. All emergencies shall be reported forthwith to the Agency and confirmed in writing within three working days and noted in the Site Diary.
- C4. Lighting shall be provided, used and maintained to the satisfaction of the Agency to ensure illumination of all the operating areas of the facility for those hours of operations which are to be carried out during the hours of darkness, as defined by the statutory lighting up times in the Road Vehicle Lighting Regulations 1989.

D. Site Infrastructure, Security and Safety

- D1. (a) A gate or such other suitable barrier shall be provided at the site entrance in accordance with the Working Plan. This gate or barrier shall be kept closed and locked when the site is unattended and outside the permitted hours of opening specified in Condition C2 except in cases of emergency. Condition A3 applies.

Signed 
Robert Harvey
Environment Planning Manager





(b) Fencing to impede unauthorised access and to prevent accidental access to the site shall be provided around the operational boundary of the site. Fencing shall be constructed and maintained as specified in the Working Plan. Condition A3 applies.

(c) The perimeter boundaries and site entrance gate or barrier shall be inspected on each working day and any defects identified which impairs their effectiveness shall be temporarily repaired during the day in which they were detected and permanent repairs effected within 48 hours of being detected. Details of these inspections and any repairs shall be recorded in the Site Diary on the appropriate date.

D2. The site access and the site access road as far as the weighbridge shall be constructed, surfaced and maintained to a specification suitable for carrying heavy traffic in accordance with the Working Plan and to the written satisfaction of the Agency. Any potholes which develop shall be repaired within seven days of the day on which they were detected. Condition A3 applies.

D3. (a) Appropriate and satisfactory measures as detailed in the Working Plan shall be taken to prevent mud and other debris being carried onto the highway. The site access road from the entrance to the weighbridge area shall be maintained in a clean state free from mud or debris in accordance with the Working Plan.

(b) In the event of mud or debris being carried on to the highway it shall be removed immediately in accordance with the Working Plan.

D4. Within one month of the issue of this licence a site identification board of no less than one square metre in area and of durable material and finish shall be displayed at the site entrance as detailed in the Working Plan, showing the hours when the site is open and giving the name of the site, the name, address and telephone number and emergency telephone number of the operator and of the Agency Area Office. The identification board shall be maintained in a legible condition throughout the life of the site and shall be updated as necessary. In the event of loss or damage to the board then it must be replaced or repaired within seven days of such loss or damage being detected.

D5. A site office shall be provided at the site as detailed in the Working Plan and shall provide the following:

- (i) Working telephone.
- (ii) Place for records and documents.

These facilities shall be maintained in an effective condition insofar as their maintenance lies within the control of the licence holder.

D6. (a) An unauthorised waste area as detailed in the Working Plan shall be provided and used to provide a containment area with sealed drainage for the secure temporary storage of wastes which are not permitted by the licence, pending their removal off site.

Signed 
Robert Harvey
Environment Planning Manager





(b) The unauthorised waste area should be inspected at the start of each working day. In the event of any defects being detected in the sealed surface or drainage systems these shall be noted in the Site Diary on the day on which they are first observed. Repairs shall be effected and completed as soon as practically possible.

D7. The Conditions of this licence and any amendments to the licence together with the contents of the current issue of the Working Plan shall be:-

- (i) displayed at the site control office.
- (ii) made known to any person who is given responsibility for the management, supervision or control of the site.
- (iii) made available to any person using the site and any authorised officer of the Agency during normal working hours.

D8. (a) Suitable facilities shall be provided for storing and maintaining equipment used on site.

(b) Liquids used for the operation and maintenance of site equipment and facilities shall be stored in tanks or drums which shall be contained within containment compounds constructed of impermeable materials as detailed in the Working Plan. The tanks or drums shall be of a type and construction suitable for the liquids they contain and labelled to show their contents and capacity. The containment compound shall have a containment capacity of 110% of the largest tank or drum. Tanks and drums shall conform, where necessary, to all relevant safety and construction standards and shall be installed at a location and to a design and specification agreed in writing by the Agency. Condition A3 applies.

D9. (a) Any tank used for the storage of fuel or oil within the site shall be surrounded by a containment compound capable of impounding the capacity of the largest tank plus 10%. A marker shall be provided within the compound which shall clearly indicate when there is less than 110% of the tank capacity left in the bund. When this level is reached immediate action shall be taken to remove the liquid contained in the compound which shall be disposed of at a suitably licensed site. Condition A3 applies.

(b) The valves, in line valves, gauges or nozzles of any tank must be positioned so as to be within the containment compound at all times and be kept locked closed when not in use. Inlet, outlet and vent pipes shall open vertically downwards within the bund.

(c) If the containment compound of any tank is of a walled bund type, there shall not be a free draining valve from the bund.

(d) No other tanks or containers shall be used except for the storage of water.

Signed .. 
Robert Harvey
Environment Planning Manager





(e) Any tank used for the storage of fuel or oil shall be of a type and construction suitable for its purpose, and shall be clearly labelled to show its contents and capacity.

(f) All tanks and their associated bunds shall be inspected weekly to check their integrity. Details of these inspections shall be recorded in the Site Diary.

D11. Empty skips shall be stored only in the skip storage area which shall be maintained in a satisfactory condition in accordance with the Working Plan.

D12. (a) No deposit of waste shall take place until all drainage facilities have been constructed to a specification as detailed in the Working Plan.

(b) Site drainage shall be maintained in accordance with the Working Plan.

(c) Contaminated water shall be discharged from the site as detailed in the Working Plan. Condition A3 applies.

D13. (a) Any liquid spillage other than clean water which may occur shall be dealt with immediately. A supply of suitably absorbent material shall be maintained on site for this purpose.

(b) The spillage of any liquid other than clean water at the site shall be treated as an emergency and the Agency shall be informed immediately. The absorbent material used to clear the spillage shall be disposed of in accordance with the instructions of the Agency.

D14. No liquid shall be discharged from the site to any ditch or watercourse other than clean water.

E. **Site Operations**

E1. The transfer station shall be washed down with disinfectant in accordance with the Working Plan.

F. **Record Keeping, Manning and Supervision.**

F1. (a) The weights of all wastes received at the site shall be measured, or the volume of such waste shall be measured and a weight calculated using appropriate conversion factors.

(b) Records shall be kept of the quantity, nature and producer of any waste which is deposited at the site. If the producer of the waste is unknown then the details of the waste carrier shall be provided. Records of all waste loads removed from the facility shall also be kept, these shall include details of the type and quality of the waste as well as the destination. A summary of the records shall be sent to the Agency Area Office every month and shall be forwarded to arrive within fourteen days following the end of the month.

Signed 
Robert Harvey
Environment Planning Manager





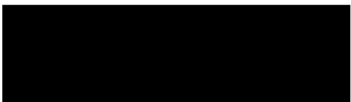
(c) Other records shall be maintained and submitted to the Agency in accordance with Conditions of this licence and with the Working Plan and all records held by the licence holder as required by the Conditions of this licence shall be made available to any authorised officer of the Agency during normal working hours.

- F2. A copy of any notice or instruction received in respect of the facility from any Authority other than the Agency, which in any way relates to the use of the facility, shall be furnished to the Agency Area Office within three days of the receipt of such a notice or instruction.
- F3. (a) A Site Diary of A4 size shall be kept in the site office and be maintained daily to record the details required by the relevant Conditions of this licence.
- (b) The Site Diary shall be available for inspection at all reasonable times by any authorised officer of the Agency.
- F4. All visitors to the site shall be required to sign in a visitors book.
- F5. Details of any complaints received at the site are to be recorded in the Site Diary along with any action taken. The details shall include the name, address and telephone number of the complainant where available, the time and date of complaint and the specific concerns of the complainant. The Agency is to be informed within 24 hours of any such complaint.
- F6. The Agency shall be informed in writing of the management structure and names of those persons that comprise the Technically Competent Management of the site. These persons shall have full knowledge of the Conditions of this licence, the Working Plan and all operating procedures. Any changes to the names of these personnel shall be notified to the Agency within five working days of the change occurring. This information shall form part of the Working Plan.
- F7. The site shall be staffed by a minimum of two people, including one supervisor, whenever waste is being deposited, processed or removed from the site. Supervisors shall be capable of ensuring compliance with the licence and shall be fully conversant with all emergency procedures required by this licence.
- F8. The licence holder shall provide the Agency with details in writing within 28 days if they, or another relevant person, are, or have been, convicted of a relevant offence.

G. Waste Checking

- G1. (a) On arrival all vehicles shall report to the site office whereupon the nominated supervisor shall establish the type, origin and quantity of waste delivered and whether the waste complies with the stated description and is acceptable under the Conditions of this licence.

Signed


Robert Harvey
Environment Planning Manager





No deposit of any difficult waste stream shall take place unless its appraisal and its approval have been carried out as detailed in the Working Plan. Clear instructions shall be given to vehicle drivers regarding the deposit of the wastes in accordance with the Working Plan.

(b) Any waste which is not authorised by this licence and is discovered during the documentation checks as detailed in condition G1(a) above shall be rejected.

G2. Immediately following offloading, each load shall be inspected to ensure conformity with the requirements of this licence. Should any wastes be identified, or suspected as not being permitted under the Conditions of this licence these shall be isolated immediately and the site manager and Agency informed forthwith. Measures shall be taken to deal with the isolated wastes in accordance with the Working Plan and where such waste shall be stored in a designated skip which is fully isolated from any sewer system, pending its removal from the site as soon as is practicable. Where necessary, samples of such wastes shall be taken for analysis to determine the nature and composition of the wastes deposited.

G3. Notwithstanding the requirements of Condition G2 above:

(a) Loads delivered to the site shall be subject to random detailed inspection by the licence holder as detailed in the Working Plan.

(b) The procedures for the random checking of wastes shall be carried out in accordance with Guidance Note 21 as detailed in the Working Plan.

H. Site Engineering

H1. A minimum of five clear working days advance notice shall be given to the Agency by the licence holder of any engineering works scheduled to take place on the site.

I. Control of Litter, Fire, Pests and Odour

I1. Measures shall be taken to contain litter and other windblown materials within the site in accordance with the Working Plan.

I2. Not less frequently than twice a week any loose waste which may be lying on the site shall be gathered and disposed of in such a way as to keep the site tidy. Any wind blown material carried off the site by extreme weather conditions shall be collected and disposed of as soon as reasonably practicable and in any case within 48 hours.

I3. No waste material shall be burnt within the boundaries of the site and a fire at the site shall be regarded as an emergency and immediate action shall be taken to extinguish it. All outbreaks of fire shall be notified forthwith to the Agency and the Fire Service and details noted in the Site Diary.

Signed

Robert Harvey
Environment Planning Manager





14. Any waste which is received on site which is on fire or liable to ignite other wastes shall be immediately segregated from other waste and directed to a safe area where it can be dealt with in accordance with the Working Plan.
15. (a) Inspections shall be carried out daily when the site is open for evidence of rodent, pest and insect infestation on the site and details noted in the Site Diary.
- (b) Appropriate steps shall be taken to control rodents, pests and insects on the site in accordance with the Working Plan. A record shall be kept in the Site Diary of any treatment undertaken.
16. No deposit shall take place until a scheme which has been submitted to and agreed in writing by the Agency to control the escape of dust beyond the site boundary. Site roads shall be sprayed adequately to suppress dust. Such a scheme shall be incorporated in the Working Plan.
17. At no time shall any operation be continued which gives rise to an offensive smell which is noticeable beyond the boundaries of the facility.

J. Noise Control

- J1. In the event of there being reasonable cause for concern from noise levels and when requested in writing by the Agency measures shall be taken to reduce noise levels emitted from the site shall be measured and reduced as necessary. Reference shall be made to the previous assessment in the Working Plan.

K. Financial Provision

- K1. The financial provision for meeting the obligations under this licence set out in the Agreement between the licence holder and the Agency dated 13 January 1998 shall be maintained by the licence holder throughout the subsistence of this licence and the licence holder shall produce evidence of such provisions whenever required by the Agency.

Signed ...
Robert Harvey
Environment Planning Manager





**ENVIRONMENT
AGENCY**

EXPLANATORY NOTES - Including rights of appeal.

These notes are for general guidance only and do not constitute an authoritative statement of the law.

Appeals

If a licence holder is aggrieved by the decision of the Agency to grant a waste management licence subject to conditions he may appeal to the Secretary of State in accordance with Section 43 of the Environmental Protection Act 1990.

Notice of an Appeal must be given within 6 months of the date of issue of this licence. The Secretary of State has power to allow a longer period for the giving of notice of an appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of an appeal.

A copy of the form on which notice of an Appeal may be given is available from:-

The Planning Inspectorate,
Room 10/13,
Tollgate House,
Houlton Street,
Bristol
BS2 9DJ

Tel:- 0117 987 8812
Fax:- 0117 987 8406

Waste Management Licensing

This licence relates only to the requirements of the Environmental Protection Act 1990 in respect of the deposit, treatment, keeping and disposal of waste. This licence does not constitute a consent required by any other legislation.

Your attention is drawn to the provisions of Sections 33-35, 37-43, 59, and 64-66 of the Environmental Protection Act 1990.

Section 33

Prohibits under penalty the deposit, treatment, keeping or disposal of controlled waste in or on any land otherwise than in accordance with the terms of a Waste Management Licence.

Non compliance with any licence condition may lead to prosecution under this Section. A person who contravenes Section 33 subsection (1) shall, subject to subsection (7), be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding £20,000 (at the date of issue of this licence) or both, or on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine or both, or in relation to special waste for a term not exceeding 5 years or a fine or both.

Section 34

Places a duty of care on any person who imports, produces, carries, keeps, treats or disposes of controlled waste to take all such measures applicable to him as are reasonable in the circumstances to prevent any other person contravening Section 33, and to prevent the escape of waste from his control or that of any other person and, on the transfer of the waste, to ensure that it is only to an authorised person, or to a person for authorised transport purposes, and that a written description is transferred with it.

Signed 
Robert Harvey
Environment Planning Manager





A person who contravenes Section 34 subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 (at the date of issue of this licence) or on conviction on indictment to a fine.

Section 35

A site licence may be granted by the Agency authorising the treatment, keeping, or disposal of specified wastes on specified land, to the occupier of that land. The licence may be granted subject to such conditions that the Agency considers appropriate, in accordance with directions and guidance issued by the Secretary of State.

Section 37

The Agency may modify the conditions of a licence on its own initiative, on the application of the licence holder (accompanied by the appropriate fee), and on the direction of the Secretary of State. The licence holder may appeal to the Secretary of State if he is aggrieved by the decision of the Agency in modifying the conditions of a licence.

Section 38

Provides for the Agency to revoke or suspend all or part of a licence if the licence holder has ceased to be a 'fit and proper person' or activities authorised by the licence have caused or are about to cause pollution of the environment or harm to human health or become seriously detrimental to the amenities of the locality, and the pollution, harm or detriment cannot be avoided by modifying the conditions.

A person who contravenes Section 38 subsection (9) without reasonable excuse shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 (at the date of issue of this licence), or on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine or both, or in relation to special waste to, respectively imprisonment for a term not exceeding 6 months or a fine of an amount not exceeding £5,000 (at the date of issue of this licence), or imprisonment for a term not exceeding 5 years or a fine or both.

Section 39

If the licence holder wishes to surrender this licence, he must apply to the Agency (enclosing the prescribed fee) which will only accept the surrender if it is satisfied that the condition of the land is such that it is unlikely to cause pollution of the environment or harm to human health as a result of the use of the land for the treatment, keeping or disposal of waste.

Section 40

If the licence holder wishes to transfer the licence to another person ("the transferee") the licence holder and the transferee shall jointly make an application to the Agency (enclosing the prescribed fee) which will not effect the transfer unless it is satisfied that the transferee is a Fit and Proper Person.

Section 41

Provides for a scheme of charges which are payable in respect of the subsistence of the licence and, on application, for modification, transfer or surrender of the licence. Non payment of the subsistence charge may lead to partial revocation of the licence.

Signed 
Robert Harvey
Environment Planning Manager





Section 42

Places a duty on the Agency to ensure that activities authorised by the licence do not cause pollution, harm to health, or serious detriment to the amenities of the locality, and that the conditions of the licence are complied with. If it appears to the Agency that a condition in a licence is not being complied with, the authority may serve notice on the licence holder to comply with the condition, and if he fails to do so revoke or suspend all or part of the licence.

Section 43

Provides for the applicant for a licence or modification to appeal against all or any of the conditions in his licence or modification to the Secretary of State, or in certain circumstances, for a licence holder to appeal against any revocation or suspension of all or any part of his licence or modification to the Secretary of State.

Section 59

The Agency is empowered to require the removal of any controlled waste deposited in breach of section 33(1), or to require the undertaking of such works as are required to reduce or eliminate the consequences of such deposits.

Section 64

The Agency is required to maintain a register of current or recently current waste management licences granted by the Agency, the associated Working Plans, and matters relating to the transfer, modification, revocation, suspension and supervision of licences. Members of the public have free access to this register and may obtain copies of entries in the register.

Section 65

The Secretary of State may direct the Agency to exclude certain information from the public register in the interests of national security.

Section 66

Provides for a licence holder to identify information submitted to the Agency as being commercially confidential and to apply for that information to be excluded from the public register. The Agency will determine whether the information is commercially confidential and notify the licence holder accordingly. The licence holder has a right of appeal to the Secretary of State if the Agency refuses to exclude the information from the public register.

Signed

Robert Harvey
Environment Planning Manager





**ENVIRONMENT
AGENCY**

Waste Management Licence

Licence Number 1.056.55

**Beacon Waste Limited
Rotherwas Transfer Facility
Chapel Road
Rotherwas Industrial Estate
Hereford**





ENVIRONMENT
AGENCY

ENVIRONMENTAL PROTECTION ACT 1990. WASTE MANAGEMENT LICENCE.

LICENCE REF No :- 1.056.55

FACILITY TYPE :- Transfer Station

The Environment Agency, in pursuance of Part II of the Environmental Protection Act 1990, hereby grant a waste management licence authorising the keeping and treatment of controlled waste on the land specified in schedule 1 to this licence to Beacon Waste Limited, 106 High Street, Evesham, Worcestershire those persons being in occupation of the said land, the said licence being subject to the conditions specified in schedule 3 to this licence.

In this licence the words and expressions contained in schedule 2 shall have the meaning assigned to them therein.

SCHEDULE 1.- SPECIFIED LAND.

The licence relates to the land at Rotherwas Transfer Facility, Chapel Road, Rotherwas Industrial Estate, Hereford (hereinafter called "the site") shown edged red on Drawing Reference Number DRG 025/20 "Area of Application", dated February 1997 and attached to this licence.

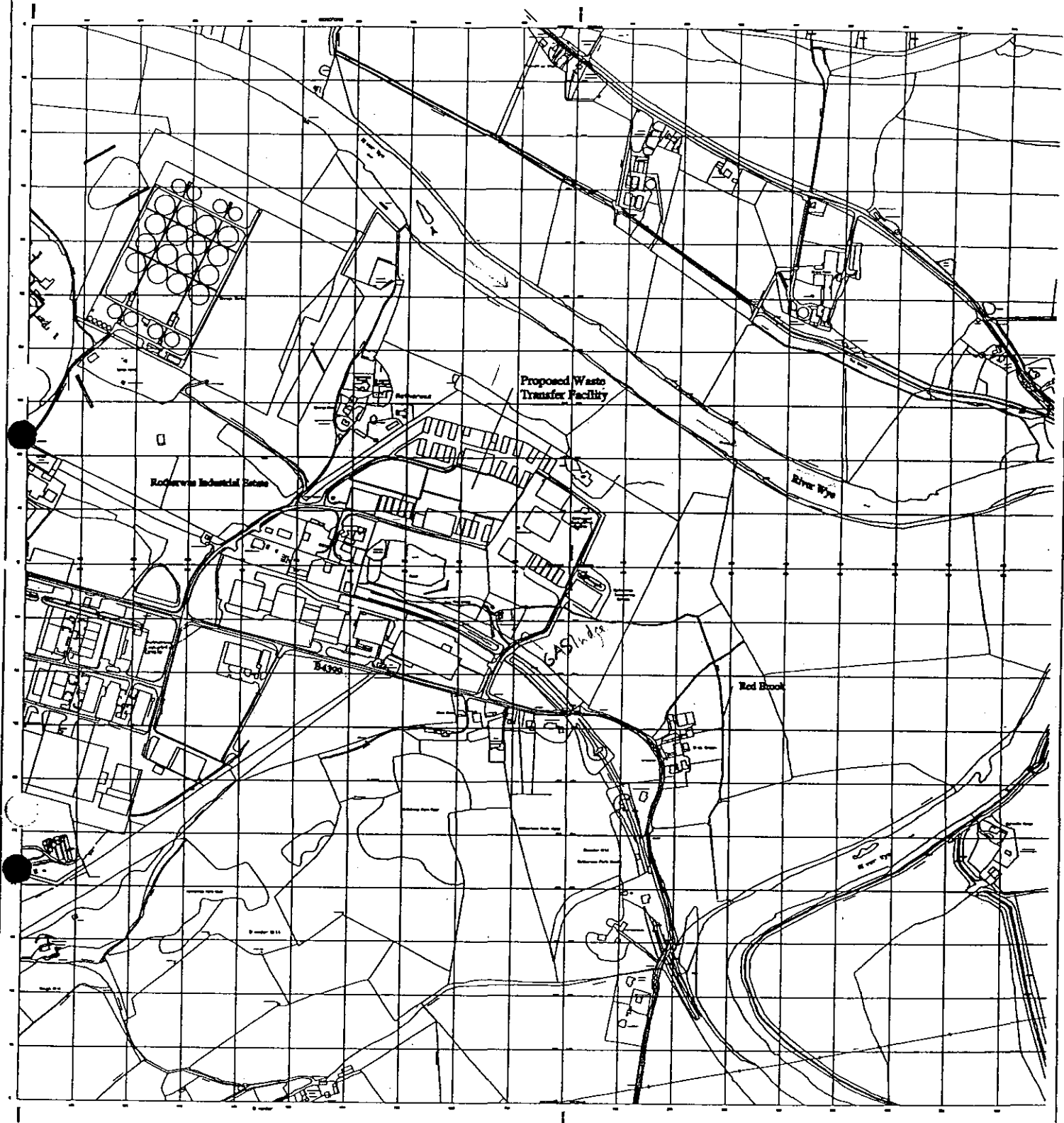
Signed  Name Robert Harvey
Environment Planning Manager - Upper Severn Area

Dated 13/1/98

FOR ENVIRONMENT AGENCY OFFICIAL USE ONLY.

YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL DETAILED IN THE
NOTES AT THE END OF THIS LICENCE.





Based upon the Land-Line Ordnance Survey map with the permission of The Controller of Her Majesty's Stationery Office, Crown copyright reserved. Licence number AL 51434A.

NOTE:
Ordnance Survey NGR SO 53843814 (centre of site).

Figure 1

SUBJECT ROTHERWAS WASTE TRANSFER FACILITY		SURVEYED DATE	SCALE 1/10000	REV	 Beacon WASTE Beacon Waste Ltd, 106 High Street, Cressham, Wotton, WRI 1 4EL Tel: (01386) 443378 Fax: (01386) 446757
TITLE LOCATION PLAN	DRAWN JF	DATE 04/97	DWG FILE 025/20		
	CHECKED AP	DATE 04/97			



SCHEDULE 2 - INTERPRETATION.

Licence holder: means the person, persons or company to whom the licence is issued, or any person, persons, or company to whom the licence is transferred in accordance with relevant legislative requirements.

Environment Agency: shall have the meaning assigned to it in section 1 of the Environment Act 1995. In this licence all references to the Agency shall be taken as a reference to the Environment Agency.

Agency Area Office: shall mean Hafren House, Welshpool Road, Shelton, Shrewsbury, SY3 8BB.

Working Plan: the documents and drawings detailing the intended methods of operations for this licence and any later drawings or written statements received by the Agency in substitution or augmentation of such drawings or documents subject to individual changes having been agreed by the Agency where this licence so requires.

Authorised Officer: means any person authorised in writing by the Environment Agency pursuant to section 108(1) of the Environment Act 1995.

Difficult waste: is as defined by Appendix C of the Department of the Environment Waste Management Paper number 26 (1986).

Special waste: is as defined by regulations made under Section 62 of the Environmental Protection Act 1990

Emergency: shall mean a situation in which a person has reasonable cause to believe that an immediate threat of pollution of the environment or harm to human health exists.

Technically Competent Management: shall mean those persons identified by the licence holder as being responsible for the day to day management of the site and satisfying the requirements of section 74(3)(b) of the Environmental Protection Act 1990, Regulations 4 and 5 of the Waste Management Licensing Regulations 1994 or any statutory provisions or regulations amending or replacing them.

Relevant Offences: within the meaning of Regulation 3 of the Waste Management Licensing Regulations 1994 or any statutory provisions or regulations amending or replacing them.

Relevant person: any Director, Manager, Secretary or other similar officer where the licence holder is a body corporate.

Working Days: shall mean Monday to Friday excluding Bank and Public Holidays. Bank and Public Holidays shall mean those days prescribed by H.M. Government as being such.

These definitions apply only for the purposes of this licence in the interests of ensuring clarity.

Signed 
Robert Harvey
Environment Planning Manager





SCHEDULE 3 - CONDITIONS RELATING TO THIS LICENCE

A. The Working Plan

- A1. The drawings and the statement of intended methods of operation entitled "Rotherwas Waste Transfer Facility" which was submitted as part of the application for this licence and any later drawings or written statements received in writing by the Agency in substitute for, or in augmentation of such a drawing and statement will hereinafter be referred to as the "Working Plan".
- A2. Those parts of the Working Plan referred to by Conditions which specify that "Condition A2 applies" cannot be altered without modifying this licence or some of its Conditions.
- A3. Those parts of the Working Plan referred to by Conditions which specify that "Condition A3 applies" shall not be altered by the licence holder nor shall the licence holder operate contrary to those Conditions without the prior written approval of the Agency. Requests to alter such parts of the Working Plan shall be made in writing to the Agency. If no response is made by the Agency within 28 days, of the acknowledged/proven date of receipt, the alteration shall be deemed agreed and may be implemented.
- A4. If no agreement can be reached on changes to the Working Plan under Condition A3 no change shall be implemented.
- A5. In any case other than that specified in Conditions A2 and A3 the licence holder shall notify the Agency of any changes to the Working Plan within 7 days of the change being implemented. Such notice shall be in writing and shall include specific details of the changes made and the date of implementation of said changes. If changes are made to drawings or plans, new drawings and plans shall be supplied at the time of notification.
- A6. Without prejudice to the Agency's powers under sections 42 and 59 of the Environmental Protection Act 1990 the formal framework for providing documentation, under any Condition of this licence, which requires the approval/agreement of the Agency is as follows:
- (a) the report shall be submitted within the time scale stated in the Licence Condition;
 - (b) the Agency shall normally accept/reject the contents of the report (or put forward alternative proposals) within 28 days;
 - (c) in certain circumstances a longer assessment period may be required by the Agency and this shall be notified to the licence holder within the 28 days (agreement shall not be unreasonably withheld);

Signed 
Robert Harvey
Environment Planning Manager





(d) if no response is made by the Agency within 28 days (or other agreed time scale) of the acknowledged/proven date of receipt, the report shall be deemed accepted and any works suggested undertaken.

- A7. A document which is appended to the Working Plan shall subsequently be amended under the terms of Condition A3 unless otherwise agreed.
- A8. Subject to the Conditions of this licence, the licence holder shall conduct the operations in accordance with the Working Plan. In the event of any details of the Working Plan being in conflict with the licence conditions, the licence conditions shall prevail.
- A9. The Working Plan shall be reviewed periodically in consultation with the Agency and any changes documented in a report to the Agency.

B. Waste Types and Quantities

- B1. Waste deposited at the site shall be restricted to the following at a maximum daily rate of 300 tonnes, of which no more than 50 tonnes may be difficult waste. Notwithstanding the above the maximum quantity of waste deposited at the site shall not exceed 75,000 tonnes per annum.

Table One

Waste Type	Code	Maximum Daily input (tonnes)
Household & Commercial (Including drained road sweepings)		200
Industrial (Non-hazardous)		50
Inert (Including excavated materials)		50
Difficult Wastes		
Scrap Rubber (including tyres)	L30	15
Empty used Containers	Q30	10
Drain/interceptor waste	R20	5
Animal bedding	T13	10
Food processing waste	T20	10

Signed 
Robert Harvey
Environment Planning Manager





- B2. Wastes other than those specified in Condition B1 shall not be stored or kept or caused or permitted to be stored or kept for any period on the site other than in accordance with Condition G3 of this licence.
- B3. Waste shall only be deposited, stored and/or treated at the locations detailed in the Working Plan. Condition A3 applies.
- B4. Wastes shall be restricted to solid wastes and sludges only.
- B5. All sludges will have been subjected to a physical process for the removal of liquid and will not exhibit free liquid when received on site as detailed in the Working Plan.
- B6. Wastes detailed below shall be specifically excluded from deposit at the site.
- (a) Liquid wastes, pumpable sludges, and wastes with a moisture content in excess of 80% v/v.
 - (b) Waste with a pH outside the range 4 to 11.5.
 - (c) Waste with a flashpoint less than 55 degrees Celsius.
 - (d) Wastes which are contained in pressurised containers, except for aerosol cans which constitute an inherent component of household waste.
 - (e) Wastes which are explosive, oxidising, reactive with air or water or flammable.
 - (f) Any sealed containers.
- B7. Other than in an emergency waste deposited at the facility during the period Sunday to Friday, shall be stored in accordance with the Working Plan and shall not remain at the facility for longer than twenty four hours. Waste deposited on a Saturday shall not remain at the facility for longer than forty eight hours.
- B8. No wastes shall be accepted at the site which are suspected of being contaminated. Any waste suspected of being contaminated shall be dealt with in accordance with the Working Plan.
- B9. (a) No difficult wastes other than those specified in condition B1 above shall be accepted at the facility other than where they arise as an integral part of any household wastes delivered by or on behalf of a Waste Collection Authority.
- (b) No clinical wastes or other obnoxious wastes shall be deposited at the facility other than where they arise as an integral part of any household wastes delivered by or on behalf of the Waste Collection Authority.

Signed 
Robert Harvey
Environment Planning Manager





C. Notice of Operations and Operational Hours

- C1. (a) Fourteen days notice in writing shall be given in advance to the Agency of the date on which operations are to commence, or re-commence in the event of a temporary cessation for a period in excess of one month.

(b) Any temporary cessation of operations for a period in excess of one month shall be notified in writing to the Agency.

- C2. (a) Subject to Condition C4 wastes shall be delivered to the site and machinery or plant shall be operated for the purpose of treating of wastes only between the hours of:-

Day	Operating hours	Waste Collection and Delevery
Monday to Friday	0600 - 1800	0730 - 1730
Saturday	0730 - 1300	0800 - -1230
Sunday	0900 - 1300	0900 - 1300

(b) Machinery or plant shall be operated outside of the above hours only for the cleansing of the site road or where it is necessary to operate plant in the event of an emergency.

(c) On Sundays the site shall only accept bulky household wastes collected from Household Waste Reclamation Centres.

- C3. All emergencies shall be reported forthwith to the Agency and confirmed in writing within three working days and noted in the Site Diary.
- C4. Lighting shall be provided, used and maintained to the satisfaction of the Agency to ensure illumination of all the operating areas of the facility for those hours of operations which are to be carried out during the hours of darkness, as defined by the statutory lighting up times in the Road Vehicle Lighting Regulations 1989.

D. Site Infrastructure, Security and Safety

- D1. (a) A gate or such other suitable barrier shall be provided at the site entrance in accordance with the Working Plan. This gate or barrier shall be kept closed and locked when the site is unattended and outside the permitted hours of opening specified in Condition C2 except in cases of emergency. Condition A3 applies.

Signed 
Robert Harvey
Environment Planning Manager





(b) Fencing to impede unauthorised access and to prevent accidental access to the site shall be provided around the operational boundary of the site. Fencing shall be constructed and maintained as specified in the Working Plan. Condition A3 applies.

(c) The perimeter boundaries and site entrance gate or barrier shall be inspected on each working day and any defects identified which impairs their effectiveness shall be temporarily repaired during the day in which they were detected and permanent repairs effected within 48 hours of being detected. Details of these inspections and any repairs shall be recorded in the Site Diary on the appropriate date.

D2. The site access and the site access road as far as the weighbridge shall be constructed, surfaced and maintained to a specification suitable for carrying heavy traffic in accordance with the Working Plan and to the written satisfaction of the Agency. Any potholes which develop shall be repaired within seven days of the day on which they were detected. Condition A3 applies.

D3. (a) Appropriate and satisfactory measures as detailed in the Working Plan shall be taken to prevent mud and other debris being carried onto the highway. The site access road from the entrance to the weighbridge area shall be maintained in a clean state free from mud or debris in accordance with the Working Plan.

(b) In the event of mud or debris being carried on to the highway it shall be removed immediately in accordance with the Working Plan.

D4. Within one month of the issue of this licence a site identification board of no less than one square metre in area and of durable material and finish shall be displayed at the site entrance as detailed in the Working Plan, showing the hours when the site is open and giving the name of the site, the name, address and telephone number and emergency telephone number of the operator and of the Agency Area Office. The identification board shall be maintained in a legible condition throughout the life of the site and shall be updated as necessary. In the event of loss or damage to the board then it must be replaced or repaired within seven days of such loss or damage being detected.

D5. A site office shall be provided at the site as detailed in the Working Plan and shall provide the following:

- (i) Working telephone.
- (ii) Place for records and documents.

These facilities shall be maintained in an effective condition insofar as their maintenance lies within the control of the licence holder.

D6. (a) An unauthorised waste area as detailed in the Working Plan shall be provided and used to provide a containment area with sealed drainage for the secure temporary storage of wastes which are not permitted by the licence, pending their removal off site.

Signed 
Robert Harvey
Environment Planning Manager





(b) The unauthorised waste area should be inspected at the start of each working day. In the event of any defects being detected in the sealed surface or drainage systems these shall be noted in the Site Diary on the day on which they are first observed. Repairs shall be effected and completed as soon as practically possible.

D7. The Conditions of this licence and any amendments to the licence together with the contents of the current issue of the Working Plan shall be:-

- (i) displayed at the site control office.
- (ii) made known to any person who is given responsibility for the management, supervision or control of the site.
- (iii) made available to any person using the site and any authorised officer of the Agency during normal working hours.

D8. (a) Suitable facilities shall be provided for storing and maintaining equipment used on site.

(b) Liquids used for the operation and maintenance of site equipment and facilities shall be stored in tanks or drums which shall be contained within containment compounds constructed of impermeable materials as detailed in the Working Plan. The tanks or drums shall be of a type and construction suitable for the liquids they contain and labelled to show their contents and capacity. The containment compound shall have a containment capacity of 110% of the largest tank or drum. Tanks and drums shall conform, where necessary, to all relevant safety and construction standards and shall be installed at a location and to a design and specification agreed in writing by the Agency. Condition A3 applies.

D9. (a) Any tank used for the storage of fuel or oil within the site shall be surrounded by a containment compound capable of impounding the capacity of the largest tank plus 10%. A marker shall be provided within the compound which shall clearly indicate when there is less than 110% of the tank capacity left in the bund. When this level is reached immediate action shall be taken to remove the liquid contained in the compound which shall be disposed of at a suitably licensed site. Condition A3 applies.

(b) The valves, in line valves, gauges or nozzles of any tank must be positioned so as to be within the containment compound at all times and be kept locked closed when not in use. Inlet, outlet and vent pipes shall open vertically downwards within the bund.

(c) If the containment compound of any tank is of a walled bund type, there shall not be a free draining valve from the bund.

(d) No other tanks or containers shall be used except for the storage of water.

Signed 
Robert Harvey
Environment Planning Manager





(e) Any tank used for the storage of fuel or oil shall be of a type and construction suitable for its purpose, and shall be clearly labelled to show its contents and capacity.

(f) All tanks and their associated bunds shall be inspected weekly to check their integrity. Details of these inspections shall be recorded in the Site Diary.

D11. Empty skips shall be stored only in the skip storage area which shall be maintained in a satisfactory condition in accordance with the Working Plan.

D12. (a) No deposit of waste shall take place until all drainage facilities have been constructed to a specification as detailed in the Working Plan.

(b) Site drainage shall be maintained in accordance with the Working Plan.

(c) Contaminated water shall be discharged from the site as detailed in the Working Plan. Condition A3 applies.

D13. (a) Any liquid spillage other than clean water which may occur shall be dealt with immediately. A supply of suitably absorbent material shall be maintained on site for this purpose.

(b) The spillage of any liquid other than clean water at the site shall be treated as an emergency and the Agency shall be informed immediately. The absorbent material used to clear the spillage shall be disposed of in accordance with the instructions of the Agency.

D14. No liquid shall be discharged from the site to any ditch or watercourse other than clean water.

E. Site Operations

E1. The transfer station shall be washed down with disinfectant in accordance with the Working Plan.

F. Record Keeping, Manning and Supervision.

F1. (a) The weights of all wastes received at the site shall be measured, or the volume of such waste shall be measured and a weight calculated using appropriate conversion factors.

(b) Records shall be kept of the quantity, nature and producer of any waste which is deposited at the site. If the producer of the waste is unknown then the details of the waste carrier shall be provided. Records of all waste loads removed from the facility shall also be kept, these shall include details of the type and quality of the waste as well as the destination. A summary of the records shall be sent to the Agency Area Office every month and shall be forwarded to arrive within fourteen days following the end of the month.

Signed ...
Robert Harvey
Environment Planning Manager





(c) Other records shall be maintained and submitted to the Agency in accordance with Conditions of this licence and with the Working Plan and all records held by the licence holder as required by the Conditions of this licence shall be made available to any authorised officer of the Agency during normal working hours.

- F2. A copy of any notice or instruction received in respect of the facility from any Authority other than the Agency, which in any way relates to the use of the facility, shall be furnished to the Agency Area Office within three days of the receipt of such a notice or instruction.
- F3. (a) A Site Diary of A4 size shall be kept in the site office and be maintained daily to record the details required by the relevant Conditions of this licence.
- (b) The Site Diary shall be available for inspection at all reasonable times by any authorised officer of the Agency.
- F4. All visitors to the site shall be required to sign in a visitors book.
- F5. Details of any complaints received at the site are to be recorded in the Site Diary along with any action taken. The details shall include the name, address and telephone number of the complainant where available, the time and date of complaint and the specific concerns of the complainant. The Agency is to be informed within 24 hours of any such complaint.
- F6. The Agency shall be informed in writing of the management structure and names of those persons that comprise the Technically Competent Management of the site. These persons shall have full knowledge of the Conditions of this licence, the Working Plan and all operating procedures. Any changes to the names of these personnel shall be notified to the Agency within five working days of the change occurring. This information shall form part of the Working Plan.
- F7. The site shall be staffed by a minimum of two people, including one supervisor, whenever waste is being deposited, processed or removed from the site. Supervisors shall be capable of ensuring compliance with the licence and shall be fully conversant with all emergency procedures required by this licence.
- F8. The licence holder shall provide the Agency with details in writing within 28 days if they, or another relevant person, are, or have been, convicted of a relevant offence.
- G. Waste Checking
- G1. (a) On arrival all vehicles shall report to the site office whereupon the nominated supervisor shall establish the type, origin and quantity of waste delivered and whether the waste complies with the stated description and is acceptable under the Conditions of this licence.

Signed 
Robert Harvey
Environment Planning Manager





No deposit of any difficult waste stream shall take place unless its appraisal and its approval have been carried out as detailed in the Working Plan. Clear instructions shall be given to vehicle drivers regarding the deposit of the wastes in accordance with the Working Plan.

(b) Any waste which is not authorised by this licence and is discovered during the documentation checks as detailed in condition G1(a) above shall be rejected.

G2. Immediately following offloading, each load shall be inspected to ensure conformity with the requirements of this licence. Should any wastes be identified, or suspected as not being permitted under the Conditions of this licence these shall be isolated immediately and the site manager and Agency informed forthwith. Measures shall be taken to deal with the isolated wastes in accordance with the Working Plan and where such waste shall be stored in a designated skip which is fully isolated from any sewer system, pending its removal from the site as soon as is practicable. Where necessary, samples of such wastes shall be taken for analysis to determine the nature and composition of the wastes deposited.

G3. Notwithstanding the requirements of Condition G2 above:

(a) Loads delivered to the site shall be subject to random detailed inspection by the licence holder as detailed in the Working Plan.

(b) The procedures for the random checking of wastes shall be carried out in accordance with Guidance Note 21 as detailed in the Working Plan.

H. Site Engineering

H1. A minimum of five clear working days advance notice shall be given to the Agency by the licence holder of any engineering works scheduled to take place on the site.

I. Control of Litter, Fire, Pests and Odour

I1. Measures shall be taken to contain litter and other windblown materials within the site in accordance with the Working Plan.

I2. Not less frequently than twice a week any loose waste which may be lying on the site shall be gathered and disposed of in such a way as to keep the site tidy. Any wind blown material carried off the site by extreme weather conditions shall be collected and disposed of as soon as reasonably practicable and in any case within 48 hours.

I3. No waste material shall be burnt within the boundaries of the site and a fire at the site shall be regarded as an emergency and immediate action shall be taken to extinguish it. All outbreaks of fire shall be notified forthwith to the Agency and the Fire Service and details noted in the Site Diary.

Signed 
Robert Harvey
Environment Planning Manager





14. Any waste which is received on site which is on fire or liable to ignite other wastes shall be immediately segregated from other waste and directed to a safe area where it can be dealt with in accordance with the Working Plan.
15. (a) Inspections shall be carried out daily when the site is open for evidence of rodent, pest and insect infestation on the site and details noted in the Site Diary.
- (b) Appropriate steps shall be taken to control rodents, pests and insects on the site in accordance with the Working Plan. A record shall be kept in the Site Diary of any treatment undertaken.
16. No deposit shall take place until a scheme which has been submitted to and agreed in writing by the Agency to control the escape of dust beyond the site boundary. Site roads shall be sprayed adequately to suppress dust. Such a scheme shall be incorporated in the Working Plan.
17. At no time shall any operation be continued which gives rise to an offensive smell which is noticeable beyond the boundaries of the facility.

J. Noise Control

- J1. In the event of there being reasonable cause for concern from noise levels and when requested in writing by the Agency measures shall be taken to reduce noise levels emitted from the site shall be measured and reduced as necessary. Reference shall be made to the previous assessment in the Working Plan.

K. Financial Provision

- K1. The financial provision for meeting the obligations under this licence set out in the Agreement between the licence holder and the Agency dated 13 January 1998 shall be maintained by the licence holder throughout the subsistence of this licence and the licence holder shall produce evidence of such provisions whenever required by the Agency.

Signed ..
Robert Harvey
Environment Planning Manager





**ENVIRONMENT
AGENCY**

EXPLANATORY NOTES - Including rights of appeal.

These notes are for general guidance only and do not constitute an authoritative statement of the law.

Appeals

If a licence holder is aggrieved by the decision of the Agency to grant a waste management licence subject to conditions he may appeal to the Secretary of State in accordance with Section 43 of the Environmental Protection Act 1990.

Notice of an Appeal must be given within 6 months of the date of issue of this licence. The Secretary of State has power to allow a longer period for the giving of notice of an appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of an appeal.

A copy of the form on which notice of an Appeal may be given is available from:-

The Planning Inspectorate,
Room 10/13,
Tollgate House,
Houlton Street,
Bristol
BS2 9DJ

Tel:- 0117 987 8812
Fax:- 0117 987 8406

Waste Management Licensing

This licence relates only to the requirements of the Environmental Protection Act 1990 in respect of the deposit, treatment, keeping and disposal of waste. This licence does not constitute a consent required by any other legislation.

Your attention is drawn to the provisions of Sections 33-35, 37-43, 59, and 64-66 of the Environmental Protection Act 1990.

Section 33

Prohibits under penalty the deposit, treatment, keeping or disposal of controlled waste in or on any land otherwise than in accordance with the terms of a Waste Management Licence.

Non compliance with any licence condition may lead to prosecution under this Section. A person who contravenes Section 33 subsection (1) shall, subject to subsection (7), be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding £20,000 (at the date of issue of this licence) or both, or on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine or both, or in relation to special waste for a term not exceeding 5 years or a fine or both.

Section 34

Places a duty of care on any person who imports, produces, carries, keeps, treats or disposes of controlled waste to take all such measures applicable to him as are reasonable in the circumstances to prevent any other person contravening Section 33, and to prevent the escape of waste from his control or that of any other person and, on the transfer of the waste, to ensure that it is only to an authorised person, or to a person for authorised transport purposes, and that a written description is transferred with it.

Signed 
Robert Harvey
Environment Planning Manager





A person who contravenes Section 34 subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 (at the date of issue of this licence) or on conviction on indictment to a fine.

Section 35

A site licence may be granted by the Agency authorising the treatment, keeping, or disposal of specified wastes on specified land, to the occupier of that land. The licence may be granted subject to such conditions that the Agency considers appropriate, in accordance with directions and guidance issued by the Secretary of State.

Section 37

The Agency may modify the conditions of a licence on its own initiative, on the application of the licence holder (accompanied by the appropriate fee), and on the direction of the Secretary of State. The licence holder may appeal to the Secretary of State if he is aggrieved by the decision of the Agency in modifying the conditions of a licence.

Section 38

Provides for the Agency to revoke or suspend all or part of a licence if the licence holder has ceased to be a 'fit and proper person' or activities authorised by the licence have caused or are about to cause pollution of the environment or harm to human health or become seriously detrimental to the amenities of the locality, and the pollution, harm or detriment cannot be avoided by modifying the conditions.

A person who contravenes Section 38 subsection (9) without reasonable excuse shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 (at the date of issue of this licence), or on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine or both, or in relation to special waste to, respectively imprisonment for a term not exceeding 6 months or a fine of an amount not exceeding £5,000 (at the date of issue of this licence), or imprisonment for a term not exceeding 5 years or a fine or both.

Section 39

If the licence holder wishes to surrender this licence, he must apply to the Agency (enclosing the prescribed fee) which will only accept the surrender if it is satisfied that the condition of the land is such that it is unlikely to cause pollution of the environment or harm to human health as a result of the use of the land for the treatment, keeping or disposal of waste.

Section 40

If the licence holder wishes to transfer the licence to another person ("the transferee") the licence holder and the transferee shall jointly make an application to the Agency (enclosing the prescribed fee) which will not effect the transfer unless it is satisfied that the transferee is a Fit and Proper Person.

Section 41

Provides for a scheme of charges which are payable in respect of the subsistence of the licence and, on application, for modification, transfer or surrender of the licence. Non payment of the subsistence charge may lead to partial revocation of the licence.

Signed ..

Robert Harvey
Environment Planning Manager





Section 42

Places a duty on the Agency to ensure that activities authorised by the licence do not cause pollution, harm to health, or serious detriment to the amenities of the locality, and that the conditions of the licence are complied with. If it appears to the Agency that a condition in a licence is not being complied with, the authority may serve notice on the licence holder to comply with the condition, and if he fails to do so revoke or suspend all or part of the licence.

Section 43

Provides for the applicant for a licence or modification to appeal against all or any of the conditions in his licence or modification to the Secretary of State, or in certain circumstances, for a licence holder to appeal against any revocation or suspension of all or any part of his licence or modification to the Secretary of State.

Section 59

The Agency is empowered to require the removal of any controlled waste deposited in breach of section 33(1), or to require the undertaking of such works as are required to reduce or eliminate the consequences of such deposits.

Section 64

The Agency is required to maintain a register of current or recently current waste management licences granted by the Agency, the associated Working Plans, and matters relating to the transfer, modification, revocation, suspension and supervision of licences. Members of the public have free access to this register and may obtain copies of entries in the register.

Section 65

The Secretary of State may direct the Agency to exclude certain information from the public register in the interests of national security.

Section 66

Provides for a licence holder to identify information submitted to the Agency as being commercially confidential and to apply for that information to be excluded from the public register. The Agency will determine whether the information is commercially confidential and notify the licence holder accordingly. The licence holder has a right of appeal to the Secretary of State if the Agency refuses to exclude the information from the public register.

Signed

Robert Harvey
Environment Planning Manager

