Notice of variation with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

Fosterville Limited

Platform 3, Fosterville
The Recycling Centre
John Acres Lane
Newton Abbott
Devon
TQ12 3GP

Variation application number

EPR/CB3836RL/V002

Permit number

EPR/CB3836RL

Platform 3, Fosterville
Permit number EPR/CB3836RL

Introductory note

This introductory note does not form a part of the permit

The following notice gives notice of the variation of an environmental permit.

In February 2016 we revoked standard rule sets SR2010 Nos. 7, 8, 9 and 10. As these rules are no longer valid and you have not applied to vary to the replacement rule set, a bespoke permit or to surrender your permit, we are obliged to vary your permit to allow you to continue to operate.

This bespoke permit replaces the revoked rules but applies the same standards as we regulated you under before.

If you need to deploy mobile plant under a mobile plant permit at a site that is subject to a site based permit to enable you to complete the recovery activity, there will be inconsistencies between the requirements of the two permits. In this situation the conditions of the site based permit prevail. Therefore you must be able to deliver the desired recovery activity through use of this permit alone, without relying upon the subsequent use of a separate mobile plant permit.

The schedules specify the changes made to the original permit.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	**Date**	**Comments**
Application EPR/CB3836RL/A001	Duly made 30/09/2011	Application for a deposit for recovery activity permit.
Permit determined EPR/CB3836RL	20/02/2012	Permit issued to Fosterville Limited.
Permit variation to replace revoked standard rule set EPR/CB3836RL	30/06/2017	Variation issued to operator.

End of introductory note

Notice of variation

The Environmental Permitting (England and Wales) Regulations 2016

The Environment Agency in exercise of its powers under regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016 varies

Permit number

EPR/CB3836RL

Issued to

Fosterville Limited ("the operator"),

whose registered office is

18 Newport Street
Tiverton
Devon
EX16 6NL

company registration number **03786239**

to operate a regulated facility at

Platform 3, Fosterville
The Recycling Centre
John Acres Lane
Newton Abbott
Devon
TQ12 3GP

to the extent set out in the schedules.

The notice shall take effect from 30/06/2017

Name	Date
Samantha Haddock	**30/06/2017**

Authorised on behalf of the Environment Agency

Schedule 1 – conditions to be deleted

All the Standard Rules SR2010No10 conditions are deleted following an Environment Agency initiated variation

Schedule 2 – conditions to be amended

None

Schedule 3 – conditions to be added

The following conditions are added following an Environment Agency initiated variation

Conditions

1 Management

1.1 General management

1.1.1 The operator shall manage and operate the activities:

(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and

(b) using sufficient competent persons and resources.

1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.

1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.

1.1.4 The operator shall comply with the requirements of an approved competence scheme or other approval issued by the Environment Agency.

1.2 Avoidance, recovery and disposal of wastes produced by the activities

1.2.1 The operator shall take appropriate measures to ensure that:

(a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and

(b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and

(c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.

1.2.2 The operator shall review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

2 Operations

2.1 Permitted activities

2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the 'activities').

2.2 The site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit.

2.3 Operating techniques

2.3.1 The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency.

2.3.2 If notified by the Environment Agency that the activities are giving rise to pollution, the operator shall submit to the Environment Agency for approval within the period specified, a revision of any plan or other documentation ('plan') specified in schedule 1, table S1.2 or otherwise required under this permit which identifies and minimises the risks of pollution relevant to that plan, and shall implement the approved revised plan in place of the original from the date of approval, unless otherwise agreed in writing by the Environment Agency.

2.4 Waste Acceptance

2.4.1 Waste shall only be accepted if:

(a) it is of a type and quantity listed in schedule 2 table S2.1

(b) it has been identified as a suitable waste in the approved waste recovery plan; and

(c) its chemical, physical and biological characteristics make it suitable for its intended use on the site; and

(d) it conforms to the description in the documentation supplied by the producer and holder; and

(e) It is not waste consisting solely or mainly of dusts, powders or loose fibres; and

(f) It is not hazardous wastes; and

(g) It is not waste in liquid form.

2.4.2 The operator shall:

(a) visually inspect without unloading it, waste that is not in an enclosed container or enclosed vehicle on arrival at the site and waste at the point of deposit; and

(b) be satisfied that the waste conforms to the requirements of condition 2.4.1.

2.4.3 The total quantity of waste that shall be deposited under the permit shall be limited to 66,591 m^3.

3 Emissions and monitoring

3.1 Emissions of substances not controlled by emission limits

3.1.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.

3.1.2 The operator shall:

(a) if notified by the Environment Agency that the activities are giving rise to pollution, submit to the Environment Agency for approval within the period specified, an emissions management plan which identifies and minimises the risks of pollution from emissions of substances not controlled by emission limits;

(b) implement the approved emissions management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

3.1.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

3.2 Odour

3.2.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

3.2.2 The operator shall:

(a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Environment Agency for approval within the period specified, an odour management plan which identifies and minimises the risks of pollution from odour;

(b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

3.3 Noise and vibration

3.3.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.

3.3.2 The operator shall:

(a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to noise and vibration, submit to the Environment Agency for approval within the period specified, a noise and vibration management plan which identifies and minimises the risks of pollution from noise and vibration;

(b) implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

3.4 Monitoring

3.4.1 A topographical survey of the site referenced to ordnance datum shall be carried out and shall be used to produce a plan of a scale adequate to show the surveyed features of the site on completion of the recovery activity to show final waste levels.

4 Information

4.1 Records

4.1.1 All records required to be made by this permit shall:

(a) be legible;

(b) be made as soon as reasonably practicable;

(c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and

(d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made or, in the case of the following records, until permit surrender:

(i) off-site environmental effects;

(ii) matters which affect the condition of the land and groundwater; and

(iii) waste types and quantities.

4.1.2 The operator shall maintain and implement a system which ensures that a record is made of the quantity, characteristics, date of delivery, origin and the identity of the carrier and producer of any waste that is received for recovery. Any information regarded by the operator as commercially confidential shall be clearly identified in the record.

4.1.3 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by the Environment Agency.

4.2 Reporting

4.2.1 The operator shall send all reports and notifications required by the permit to the Environment Agency using the contact details supplied in writing by the Environment Agency.

4.2.2 Within one month of the end of each quarter, the operator shall submit to the Environment Agency using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

4.2.3 The operator shall submit the topographical survey plans required by condition 3.4.1 to the Environment Agency within one month of the completion of the survey.

4.3 Notifications

4.3.1 In the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately—

(a) inform the Environment Agency,

(b) take the measures necessary to limit the environmental consequences of such an incident or accident, and

(c) take the measures necessary to prevent further possible incidents or accidents;

4.3.2 in the event of a breach of any permit condition the operator must immediately—

(a) inform the Environment Agency, and

(b) take the measures necessary to ensure that compliance is restored within the shortest possible time;

4.3.3 in the event of a breach of permit condition which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, the operator must immediately suspend the operation of the activities or the relevant part of it until compliance with the permit conditions has been restored.

4.3.4 Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.

4.3.5 Where the Environment Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Environment Agency when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to the Environment Agency at least 14 days before the date the monitoring is to be undertaken.

4.3.6 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

(a) any change in the operator's trading name, registered name or registered office address; and

(b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

(a) any change in the operator's name or address; and

(b) any steps taken with a view to the dissolution of the operator.

In any other case:

(a) the death of any of the named operators (where the operator consists of more than one named individual);

(b) any change in the operator's name(s) or address(es); and

(c) any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.

4.3.7 Where the operator proposes to make a change in the nature or functioning, or an extension of the activities, which may have consequences for the environment and the change is not otherwise the subject of an application for approval under the Regulations or this permit:

(a) the Environment Agency shall be notified at least 14 days before making the change; and

(b) the notification shall contain a description of the proposed change in operation.

4.3.8 The operator shall notify the Environment Agency in writing:

(a) at least 14 days before the commencement of the recovery activity;

(b) within 14 days of completion of the recovery activity.

4.4 Interpretation

4.4.1 In this permit the expressions listed in schedule 6 shall have the meaning given in that schedule.

4.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made ‘immediately’, in which case it may be provided by telephone.

Schedule 1 – Operations

Table S1.1 activities	
Description of activities for waste operations	**Limits of activities**
R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)	Secure storage of wastes listed in table S2.1 for the purpose of recovery. Storage of wastes listed in table S2.1 shall be limited to three years.
R5: Recycling/reclamation of other inorganic compounds	Use of waste types specified in table S2.1 for the purposes of construction work and/or restoration, reclamation or improvement of land as detailed in the approved waste recovery plan.
R3: Recycling/ reclamation of organic substances which are not used as solvents	To be used only within the top 0.5m of the development site to provide a growth medium for plants

Table S1.2 Operating techniques		
Description	**Parts**	**Date Received**
Application	Waste Recovery Plan 1192 Fosterville Platform 3, September 2011.	03/10/2011
	E-mail from Jon Pettitt regarding waste acceptance.	17/11/2011
	E-mail from Jon Pettitt containing the copy of the planning permission.	28/11/2011
	E-mail from Adam Robbins clarifying the tonnage of waste and providing further information on the site's planning history.	06/12/2011
	E-mail from John Pettitt containing further clarification on waste acceptance procedures, scheme design and further justification of the thickness of the waste deposits.	17/01/2012

Schedule 2 – Waste types, raw materials and fuels

Table S2.1 Permitted waste types for use of waste in deposit for recovery	
Waste Code	Description
01	WASTES RESULTING FROM EXPLORATION, MINING, QUARRYING AND PHYSICAL AND CHEMICAL TREATMENT OF MINERALS
01 04	wastes from physical and chemical processing of non-metalliferous minerals
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	waste sand and clays
17 05	soil (including excavated soil from contaminated sites), stones and dredging spoil
17 05 04	soils and stones including chalk other than those mentioned in 17 05 03
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF SITE WASTE WATER TREATMENT PLANTS AND PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION / INDUSTRIAL WASTE
19 12	wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 09	minerals (for example sand, stones)
19 13	wastes from soil and groundwater
19 13 02	solid wastes from soil remediation other than those mentioned in 19 13 01

Schedule 3 – Emissions and monitoring

There are no emission limits or associated monitoring requirements.

Schedule 4 – Reporting

There is no reporting under this schedule.

Schedule 5 – Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

Part A

Permit Number	
Name of operator	
Location of Facility	
Time and date of the detection	

(a) Notification requirements for any incident or accident which significantly affects or may significantly affect the environment	
To be notified within 24 hours of detection	
Date and time of the event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances(s) potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident.	

(b) Notification requirements for the breach of a limit	
To be notified within 24 hours of detection unless otherwise specified below	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value and uncertainty	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Time periods for notification following detection of a breach of a limit	
Parameter	**Notification period**

(c) Notification requirements in the event of a breach of permit condition which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment	
To be notified within 24 hours of detection	
Description of where the effect on the environment was detected	
Substances(s) detected	
Concentrations of substances detected	
Date of monitoring/sampling	

Part B – to be submitted as soon as practicable

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	
The dates of any unauthorised emissions from the facility in the preceding 24 months.	

Name*	
Post	
Signature	
Date	

* authorised to sign on behalf of the operator

Schedule 6 – Interpretation

‘accident’ means an accident that may result in pollution.

‘Annex I’ means Annex I to Directive 2008/98/EC of the European Parliament and of the Council on waste.

‘Annex II’ means Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste.

‘application’ means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

‘authorised officer’ means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in section 108(4) of that Act.

‘emissions of substances not controlled by emission limits’ means emissions of substances to air, water or land from the activities, either from the emission points specified in schedule 3 or from other localised or diffuse sources, which are not controlled by an emission limit.

‘EP Regulations’ means The Environmental Permitting (England and Wales) Regulations SI 2016 No.1154 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

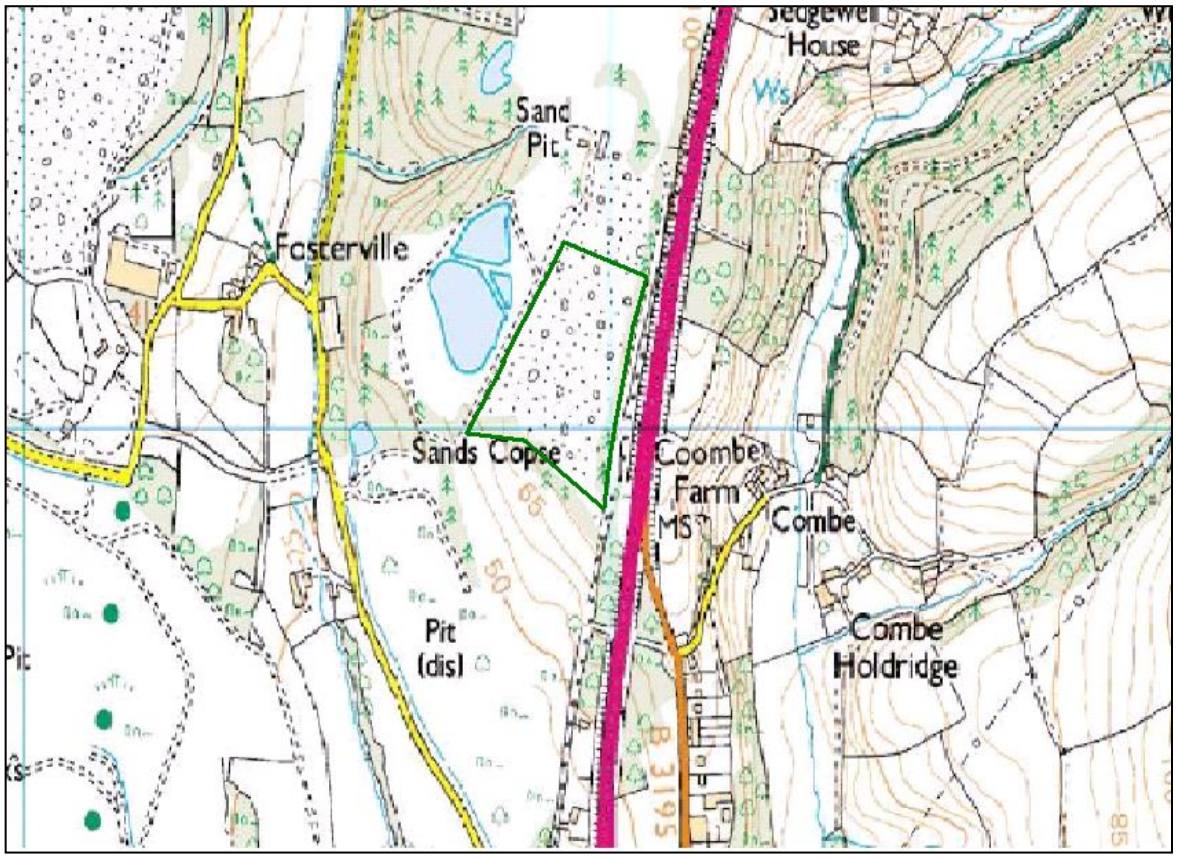
‘R’ means a recovery operation provided for in Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste.

‘Waste code’ means the six digit code referable to a type of waste in accordance with the ‘List of Wastes’ and in relation to hazardous waste, includes the asterisk.

‘Waste Framework Directive’ or ‘WFD’ means Waste Framework Directive 2008/98/EC of the European Parliament and of the Council on waste.

‘year’ means calendar year ending 31 December.

Schedule 7 – Site plan



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