Modification 5 of Waste Management Licence Number 282

PERMIT 282/m5

3 file

ENVIRONMENT AGENCY

ENVIRONMENTAL PROTECTION ACT 1990

SECTION 37

NOTICE OF MODIFICATION OF WASTE MANAGEMENT LICENCE – MOD 5

OUTGOING

To H & E Trotter
Low Dyke
Calthwaite
Carlisle
Cumbria
CA11 9PS

WHERAS
on 29 September 1994 Cumbria County Council granted to you a Waste Disposal Licence number 282 which in accordance with Section 77(2) of the Environmental Protection Act 1990 (hereinafter called "the 1990 Act") is treated as a Waste Management Licence from 1 May 1994, relating to:

Thackwood Landfill, Monkcastle, Southwaite, Carlisle, Cumbria.

NOTICE IS HEREBY GIVEN that the Environment Agency modifies the licence conditions as follows:

BY THE DELETION OF EXISTING CONDITIONS 35 AND 40 AND THEIR REPLACEMENT OF SUCH WITH ATTACHED CONDITIONS 35 AND 40 RESPECTIVELY.

Such modification shall take effect on 2 March 1998 at 07.00 hrs.

DATED 27 February 1998

Signed .....
G McLAUGHLIN

Designation Area Environment Planning Manager

Environment Agency, North Area, Chertsey Hill, London Road, Carlisle CA1 2QX

N.B. The person on whom this notice is served may appeal against the Environment Agency's decision to the Secretary of State within six months or such longer period as the Secretary of State may allow.(See notes overleaf)

43.—(1) Where, except in pursuance of a direction given by the Secretary of State,— Appeals to Secretary of State from decisions with respect to licences.

(a) an application for a licence or a modification of the conditions of a licence is rejected;

(b) a licence is granted subject to conditions;

(c) the conditions of a licence are modified;

(d) a licence is suspended;

(e) a licence is revoked under section 38 or 42 above;

(f) an application to surrender a licence is rejected; or

(g) an application for the transfer of a licence is rejected;

then, except in the case of an application for a transfer, the applicant for the licence or, as the case may be, the holder or former holder of it may appeal from the decision to the Secretary of State and, in the case of an application for a transfer, the proposed transferee may do so.

(2) Where an appeal is made to the Secretary of State—

(a) the Secretary of State may refer any matter involved in the appeal to a person appointed by him for the purpose;

(b) the Secretary of State may, instead of determining the appeal himself, direct that the appeal or any matter involved in it shall be determined by a person appointed by him for the purpose (who shall have the same powers as the Secretary of State);

(c) if a party to the appeal so requests, or the Secretary of State so decides, the appeal shall be or continue in the form of a hearing (which may, if the person hearing the appeal so decides, be held or held to any extent in private).

(3) Where, on such an appeal, the Secretary of State or other person determining the appeal determines that the decision of the authority shall be altered it shall be the duty of the authority to give effect to the determination.

(4) While an appeal is pending in a case falling within subsection (1)(c) or (e) above, the decision in question shall, subject to subsection (6) below, be ineffective; and if the appeal is dismissed or withdrawn the decision shall become effective from the end of the day on which the appeal is dismissed or withdrawn.

(5) Where an appeal is made in a case falling within subsection (1)(d) above, the bringing of the appeal shall have no effect on the decision in question.

(6) Subsection (4) above shall not apply to a decision modifying the conditions of a licence under section 37 above or revoking a licence under section 38 or 42 above in the case of which the notice effecting the modification or revocation includes a statement that in the opinion of the authority it is necessary for the purpose of preventing or, where that is not practicable, minimising pollution of the environment or harm to human health that that subsection should not apply.

(7) Where the decision under appeal is one falling within subsection (6) above or is a decision to suspend a licence, if, on the application of the holder or former holder of the licence, the Secretary of State or other person determining the appeal determines that the authority acted unreasonably in excluding the application of subsection (4) above or, as the case may be, in suspending the licence, then—

(a) if the appeal is still pending at the end of the day on which the determination is made, subsection (4) above shall apply to the decision from the end of that day; and

(b) the holder or former holder of the licence shall be entitled to recover compensation from the authority in respect of any loss suffered by him in consequence of the exclusion of the application of that subsection or the suspension of the licence;

and any dispute as to a person's entitlement to such compensation or as to the amount of it shall be determined by arbitration or in Scotland by a single arbiter appointed, in default of agreement between the parties concerned, by the Secretary of State on the application of any of the parties.

(8) Provision may be made by the Secretary of State by regulations with respect to appeals under this section and in particular—

(a) as to the period within which and the manner in which appeals are to be brought; and

(b) as to the manner in which appeals are to be considered.

35. Odours

Effective measures shall be taken to control the emission of odours and prevent them causing a nuisance. Such measures shall be agreed in writing the Environment Agency.

40 Four Year Review

The licence will be reviewed every four years. A formal review meeting will be arranged between the site licence holder and the Environment Agency at which future proposals and required improvements shall be discussed.

40.1 The licence holder shall provide the Environment Agency with proposals for the development and operation of the site for the next four year period at least 4 weeks before the formal review. The proposals shall take the form of a written statement and plans of any proposed developments.

40.2 The licence holder shall attend the review meeting as arranged.