

EP Permit ref PPC/121
Variation ref EPR/121/V01/2013

Calderdale Metropolitan Borough Council

The Environmental Permitting (England and Wales) Regulations 2010 (as amended)

Regulation 20

Variation Notice

To: Cemex UK Materials Limited
Cemex House
Coldharbour Lane
Thorpe, Egham
Surrey TW20 8TD

Company number 4895833

Calderdale Metropolitan Borough Council ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 ("the 2010 Regulations") hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference EPR/96 in respect of the operation of the concrete batching installation at Charlestown Road, Halifax HX3 9XQ.

The effect of the variation is to

1. Change the permit prefix from PPC to EPR
2. Add, remove or reword permit conditions to alter the permit to the simplified form required by statutory guidance

The variations of the conditions of the permit are specified in Schedule 1 to this notice. A consolidated permit as varied by this notice is set out in Schedule 2.

All variations shall come into effect on 26th June 2013.

Signed on behalf of the Council

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Date.....

Mark Thompson
Head of Housing, Environment and Renewal
An authorised officer of the Council

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Schedule 1

The changes to permit conditions are set out below.

1. Conditions 1.1 to 5.1 have been deleted
2. Conditions 1 to 15 have been inserted

End of Schedule 1

Schedule 2

The consolidated varied permit is enclosed with this notice.

End of Schedule 2

Guidance for operators receiving a Variation Notice

(This guidance does not form part of the Variation Notice, but it is for the guidance of those served with the notice.) Further guidance can be found in the EPR General Guidance Manual on the DEFRA website www.defra.gov.uk.

Dealing with a Variation Notice

This notice varies the terms of the permit specified in the Notice by amending or deleting certain existing conditions and/or adding new conditions. The Schedules attached to the notice explain which conditions have been amended, added or deleted and the dates on which these have effect.

The Council may have included a 'consolidated permit', which takes into account these and previous variations. Where a consolidated permit is not included this variation notice must be read in conjunction with your permit document.

Offences

Failure to comply with a Variation Notice is an offence under regulation 38(1) (b) of the 2010 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £20,000 or imprisonment for a term not exceeding 6 months or both; or (ii) to an unlimited fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in the Magistrates or Crown Court.

Appeals

Under regulation 31 and Schedule 6 of the 2010 Regulations operators have the right of appeal against the conditions attached to their permit by a variation notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State/Welsh Ministers given under regulations 61 or 62 or a direction or when determining an appeal.

Appeals against a Variation Notice do not have the effect of suspending the operation of the Notice. Appeals do not have the effect of suspending permit conditions, or any of the mentioned notices.

Notice of appeal against a Variation Notice must be given within **two months** of the date of the variation notification, which is the subject matter or the appeal. The Secretary of State/Welsh Ministers may in a particular case allow notice of appeal to be given after the expiry of this period, but would only do so in the most compelling circumstances.

Details of the appeals process are available from the Council on request.