CITY OF WOLVERHAMPTON COUNCIL

Variation Notice

Environmental Permit ref. no: B/3.5/201/Permit 3
Variation Notice ref. no: B/3.5/201/V6

Pollution Prevention and Control Act 1999

Environmental Permitting (England and Wales) Regulations 2016, Regulation 20

To: McAuliffe Civil Engineering Limited
McAuliffe House, Northcott Road, Bilston, West Midlands, WV14 0TP

Wolverhampton City Council ("the Council"), in exercise of the powers conferred on it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016, ("the Regulations") hereby gives you notice as follows:

1. The Council has decided to vary the conditions of the permit reference B/3.5/201 granted under regulation 13(1) of the Regulations in respect of the operation of the installation at McAuliffe House, Northcott Road, Bilston, West Midlands, WV14 0TP. This variation should be read in conjunction with the consolidated permit issued on 25.10.2018.

2. The variations to the permit and the date on which they shall take effect are specified in Schedule 1 of this notice.

Dated this **27th Day of March 2024**

(Signed*) C J Melia
Chris Melia
Senior Environmental Health Officer
Environmental health (Environmental Protection)
(*the Officer appointed for this purpose)

Schedule 1

The variations to the permit
All variations shall take effect immediately

10. A status log as detailed below shall be inserted before 'The Description of the Permitted Activity':

Status Log:

Date	Status	Reference
29.01.2016	Permit Issued	B/3.5/201
06.05.2016	Variation Notice Served	B/3.5/201/V1
25.10.2018	Variation Notice Served	B/3.5/201/V2
25.10.2018	Consolidated Permit Issued	B/3.5/201/Permit 3
08.07.2021	Variation Notice Served	B/3.5/201/V3
08.12.2021	Variation Notice Served	B/3.5/201/V4
24.06.2022	Variation Notice Served	B/3.5/201/V5
27.03.2024	Variation Notice Served	B/3.5/201/V6

2. Table 2 in Condition 1 shall be amended to read:

Table 2: Permitted Equipment

Operator Reference	Type of Equipment	Model Number	Serial Number
C8	Crusher	Terex Powerscreen Premiertrak R400X	PIDPR40XLOMN37834
C9	Crusher	PEGSON R400 X	PIDPR0XAOMP10590
S1	Screener	Power Grid 1 way	PID0066T74030026
S7	Screener	Warrior 600	PIDTS006PHRM65705
S9	Screener	Warrior 2100 3 way	PID00134CDGM96061
S11	Screener	Warrior 1400 3 Way	PID00133KDGN99153
S13	Screener	Warrior 2100 2 Way	PID00134PDGR14214
S14	Screener	TEREX MDS M412 TROMMEL	TRXMD412ECKPA3961

Dated this **27th Day of March 2024**

(Signed*)
Chris Melia
Senior Environmental Health Officer
Environmental Health (Environmental Protection)
(*the Officer appointed for this purpose)

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 Environmental Permitting General Guidance Manual at:

http://www.defra.gov.uk/environment/quality/industrial/las-regulations/guidance/)

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 2016 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 2016 Regulations operators have the right of appeal against the conditions attached to their permit by a variation notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State given under regulations 61 or 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 may in a particular case allow notice of appeal to be given after the expiry of this period, but would only do so in the most compelling circumstances.

How to appeal

There is detailed guidance on environmental permit appeals available on the GOV.UK website accessible at the following link:

https://www.gov.uk/government/collections/environmental-appeals

Notwithstanding the above guidance, the Regulations legally require the appellants (the person/operator making the appeal) to provide the following detail (see paragraphs 2(1) and (2) of Schedule 6 of the 2016 Regulations):

- the appropriate authority written notice of the appeal
- a statement of the grounds of appeal;
- a copy of any relevant application;
- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or dealt with by way of written representations.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for confidentiality under regulation 48 of the 2016 Regulations, and provide relevant details (see below); unless such information is provided all documents submitted will be open to inspection.

Where to send your appeal documents

Appeals should be despatched on the day they are dated, and addressed to:

The Planning Inspectorate
Environment Team
3A Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN Tel: 0303 444 5584

E-mail: ETC@planninginspectorate.gov.uk

If an appeal is made, the main parties will be kept informed about the next steps, and will also normally be provided with additional copies of each other's representations.
To withdraw an appeal – which may be done at any time - the appellant must notify the Planning Inspectorate in writing and copy the notification to the local authority who must in turn notify anyone with an interest in the appeal.

Costs

The operator and local authority will normally be expected to pay their own expenses during an appeal. Where a hearing or inquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6, either the appellant or the authority can apply for costs. Applications for costs are normally heard towards the end of the proceedings and will only be allowed if the party claiming them can show that the other side behaved unreasonably and put them to unnecessary expense. There is no provision for costs to be awarded where appeals are dealt with by written representatives.

Confidentiality

An operator may request certain information to remain confidential, i.e. not be placed on the public register. The operator must request the exclusion from the public register of confidential information at the time of supply of the information requested by this notice or any other notice. The operator should provide clear justification for each item wishing to be kept from the register. The onus is on the operator to provide a clear justification for each item to be kept from the register. It will not simply be sufficient to say that the process is a trade secret.

The test of whether information is confidential for the purposes of being withheld from the public register is complex and is explained, together with the procedures, in chapter 8 of the General Guidance Manual.

National security

Information may be excluded from the public register on the grounds of National Security. If it is considered that the inclusion of information on a public register is contrary to the interests of national security, the operator may apply to the Secretary of State, specifying the information and indicating the apparent nature of risk to national security. The operator must inform the local authority of such an application, who will not include the information on the public register until the Secretary of State has decided the matter.