



OUTGOING



PERMIT

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ASiantaeth Yr  
Amgylchedd Cymru  
ENVIRONMENT  
AGENCY WALES

ENVIRONMENTAL PROTECTION ACT 1990, sect. 37(1)(b)

## NOTICE OF MODIFICATION OF WASTE MANAGEMENT LICENCE

To: Biffa Waste Services Ltd

Of: Coronation Road, Cressex, High Wycombe, Buckinghamshire, HP12 3TZ.

WHEREAS on 5<sup>th</sup> February 1993, M E Foley (Contractors) Ltd) were granted a Disposal Licence 93/10 by Cardiff City Council relating to land at Bessemer Close, Leckwith Industrial Estate, Cardiff.

AND WHEREAS on 1 May 1994 the said disposal licence converted to a waste management licence pursuant to section 77(2) of the Environmental Protection Act 1990 ("the 1990 Act") and on 21<sup>st</sup> May 1997 the said waste management licence was modified and transferred to Biffa Waste Services Ltd . The said licence was given the number 93/10(3) and subsequently modified on 7<sup>th</sup> May 1998..

AND WHEREAS on 1<sup>st</sup> December 1999 you made application for the conditions contained in the said waste management licence to be modified, accompanied by the prescribed fee payable under section 41 of the Environment Act 1995 ("the 1995 Act")

NOTICE is HEREBY GIVEN that the Environment Agency modifies the said conditions as follows:-

Delete conditions B1, B2(mod1) and E4 and insert new conditions B1 (mod 1) and B2 (mod 2).

Such modification shall take effect on 1<sup>st</sup> February 2000.

Date

1st Feb 2000

(Signed)

Environment Planning Manager

**N.B.-** The person served with this notice may under Section 43 of the 1990 Act appeal against the Environment Agency's decision to the National Assembly within six months of the date of the decision or such longer period as the National Assembly may allow.

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### **SCHEDULE**

Modification To Waste Management Licence No 93/10(3)

Name of Licence Holder – Biffa Waste Services Ltd

Address of Facility - Bessemer Close, Leckwith Industrial Estate, Cardiff

Licence Number - 93/10(3)

Type of Facility - Keeping and Treating

Modification - 1<sup>st</sup> February 2000

### **SCHEDULE B - PERMITTED WASTES**

**B1(mod 1).** The types of waste materials accepted at the facility and the maximum quantities accepted per day shall consist only of the following solid wastes.

WASTE TYPES		QUANTITY
Domestic, Commercial, Non-hazardous industrial waste and construction and demolition waste.		500 tonnes per day
Difficult Waste	Code	50 tonnes per day
Only the following categories shall be accepted :-		
Animal Processing Waste	T10	
Food Processing Waste	T20	
Tyres	L30	
TOTAL WASTE INPUT		500 tonnes per day

**B2(mod 2).** No more than 500 tonnes of waste shall be stored at the facility at any one time. The maximum throughput of waste at the facility shall not exceed 150000 tonnes per annum.

Date 1st Feb 2000

Signed

Anthony J. Hiley  
Environment Planning Manager

MOD

## **RIGHTS OF APPEAL**

Section 43(1) of the Environmental Protection Act 1990 provides that:

Where, except in pursuance of a direction given by the National Assembly for Wales

- (a) an application for a licence or a modification of the conditions to the licence is rejected
- (b) a licence is granted subject to conditions,

the applicant may appeal about the decision to the National Assembly for Wales

Therefore if you feel aggrieved by the decision or any of the conditions to the licence as granted you may obtain the appropriate form on which to give written notice of an appeal from:-

**The National Assembly for Wales  
Cathays Park  
CARDIFF  
CF10 3NQ**

**TEL 01222 823665  
FAX 01222 825008**

This notice of appeal should be accompanied by the following information: a copy of the licence; a copy of any correspondence relevant to the appeal; a copy of any other document relevant to the appeal including, in particular, any relevant consent, determination, notice, planning permission, established use certificate or certificate of lawful use or development; and a statement indicating whether you wish the appeal to be in the form of a hearing or on the basis of written representations. You are also required to serve a copy of your notice of appeal, together with copies of any of the above documents that have accompanied your notice of appeal, on the Environment Agency (at the address below). You should appeal within 6 months of the date that this notice takes effect but the Secretary of State may allow notice of appeal to be given after the expiry of this time period.

**Environment Agency Wales  
Abacus House  
St Mellons Business Park  
St Mellons  
Cardiff  
CF3 0LT**



OUTGOING



PERMIT

ASiantaeth Yr  
AMGylchedd  
Environment  
Agency**ENVIRONMENTAL PROTECTION ACT 1990.  
WASTE MANAGEMENT LICENCE.**

LICENCE REF No :- 93/10(3)

FACILITY TYPE :- WASTE  
TRANSFER STATION

Whereas on 5th February 1993, *M E Foley (Contractors) Ltd* were granted a disposal licence, now a waste management licence, by the *Cardiff City Council* authorising the *keeping and treating* of controlled waste on the land specified in schedule 1 to this licence, and whereas on 17 May 1996 joint application was made to the Environment Agency for the modification of and to transfer the above mentioned waste management licence, the Environment Agency, in pursuance of Part II of the Environmental Protection Act 1990, hereby grants the transfer of the licence to:

**BIFFA WASTE SERVICES LIMITED**, Coronation Road, Cressex, High Wycombe, Buckinghamshire HP12 3TZ (Registered Number 946107)

hereinafter referred to as the licence holder, and modifies the licence conditions as follows:-

Delete all conditions set out in licence 93/10, as modified, and replace with the conditions specified in the schedules attached hereto.

The transfer and modification shall take effect on 9th May 1997.

In this licence the words and expressions used shall have the meaning assigned to them therein.

**SCHEDULE 1.- SPECIFIED LAND.**

The licence relates to the land at **Bessemer Close, Leckwith Industrial Estate, Cardiff** grid reference **ST 165748** (hereinafter called "the site") shown edged red on Drawing Reference Number **6771/03B**, dated 30th/January 1996, and attached to this licence.

Signed *J. Harrison*  
(J. Harrison, Area Waste Regulation Manager  
- South East Area Welsh Region)

Dated 21 May 1997

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

Environment Agency  
Abacus House, St Mellons Business Park,  
St Mellons, CARDIFF. CF3 0LT

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**NOTES**

**Schedule A - INTERPRETATION**

1. In this licence, an "emergency" is defined as a case where a person has reasonable cause to believe that circumstances exist which are likely to endanger life or health or cause damage to property or pollution of water.
2. In this licence a "flammable liquid" shall have the same meaning as ascribed to it by the Classification Packaging and Labelling of Dangerous Substance Regulations 1984 which includes a liquid, mixture of liquids or liquid containing solids in solution or suspension which when listed in accordance with Part IV of Schedule 1 of the Classification Packaging and Labelling of Dangerous Substance Regulations 1984, gives off a flammable vapour at a temperature not exceeding 55 degrees Centigrade.
3. A "technically competent person" shall for the purposes of this licence mean a person who:
  - \* is the holder of a relevant certificate of technical competence awarded by the Waste Management Industry Training and Advisory Board as required by Regulation 4 of the Waste Management Licensing Regulations 1994, or
  - \* is judged to be technically competent by virtue of the transitional provisions contained in Regulation 5 of the Waste Management Licensing Regulations 1994 and any subsequent amendments, or
  - \* is deemed competent by virtue of section 77(2) of the Environmental Protection Act 1990 and has been notified in writing to the Environment Agency.
4. A "manager" shall mean that person (or persons) who is (are) in control of the day to day activities of the site.
5. In this licence "site operative" shall mean any employee of the licence holder.
6. In this licence "fly tipping" is defined as the unregulated

and hence illegal dumping of waste material.

7. In this Licence, "Environmental Hazard" is defined as the presence of waste on land which has been deposited in such a manner or in such a quantity (whether that quantity by itself or cumulatively with other deposits of the same or different substances) as to subject persons or animals to a material risk of death, injury or impairment of health or as to threaten the pollution (whether on the surface or underground) of any water supply.
8. An "authorised officer" is an officer authorised by the Environment Agency for the purposes of the Environmental Protection Act 1990.
9. In this Licence, "Operation" is defined as the receipt, handling or removal of waste from the facility.
10. In this licence, "Household Waste", "Commercial Waste" and "Industrial Waste" shall have the same meanings as ascribed to them under the Controlled Waste Regulations 1992 (SI 1992 No. 588).
11. In this Licence "Recycling" is defined as the collection and separation of materials from waste and subsequent processing to produce marketable products.
12. In this licence, "Reclamation" is defined as the collection and separation of materials from the waste stream.
13. In this licence, "Special Waste" shall have the same meaning as ascribed to it under the Special Waste Regulations 1996 and any subsequent amendments.
14. In this licence "difficult waste" shall mean any of those wastes listed in Appendix 7c of Waste Management Paper 26 - Landfilling Wastes which because of their hazardous nature or physical properties may require special handling procedures.
15. In this licence "secure container" and "secure place" shall mean

a container or place where all reasonable precautions have been taken to ensure that the waste cannot escape from it and members of the public are unable to gain access to the waste.

16. In this licence, "drum container" shall mean any container of a capacity greater than 10 litres in which waste materials are stored.
17. In this licence the "site diary/log book" shall mean a record which may be kept in a written or computerised form.
18. In this licence "waste description" shall mean the description of the waste that accompanies the waste delivery in accordance with section 34 of the Environmental Protection Act 1990.
19. Notwithstanding the above, words and phrases in this licence have the meanings ascribed to them by the Environmental Protection Act 1990 and its associated regulations.



**Schedule B- PERMITTED WASTE**

*→ See R2 (Mod 1)*  
**B1.** The types of waste materials accepted at the facility and the maximum quantities accepted per day shall consist only of the following solid wastes:

WASTE TYPE		QUANTITY
Domestic, Commercial and Non Industrial Waste		450 tonnes
Difficult Wastes:  Only the following categories shall be accepted: Animal Processing Waste Food Processing Waste Tyres	Code:  (T10) (T20) (L30)	50 tonnes
TOTAL		500 tonnes

*1998?*  
**B2.** No more than 500 tonnes of waste shall be stored at the facility at any one time. The maximum throughput of waste at the facility shall not exceed 74,999 tonnes per annum.

*R2 (Mod 1) → 15 Feb 2000 → R2 (Mod 2)*

**EXCLUSIONS**

**B3.** Notwithstanding the generality of the types of waste specified in this Schedule the following wastes shall be specifically excluded from delivery to the facility without the prior written approval of the Environment Agency.

- a/ Controlled Waste being defined as "special waste".
- b/ Substances within the control of the Radioactive Substances Act 1993 and subsequent amendments.
- c/ Percussives and explosives and other substances with similar characteristics, excepting where such waste are in such a form or state where the percussive or explosive properties are and will remain ineffective;
- d/ Any waste containing substances listed in the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations 1972.
- e/ Liquid wastes, including drum containers of liquid wastes.

**Schedule C- GENERAL CONDITIONS****The Working Plan**

**C1.** (a) The following documents submitted as part of the application for this licence, shall hereafter be referred to as the working plan:

- the statement of intended methods of operations contained within the document 'CARDIFF WASTE TRANSFER STATION & RECYCLING CENTRE OPERATIONAL PLAN';
- Drawing No. 3016601/01 (Revision A); and
- the letter dated 25th April - Cardiff Material Recycling Facility and Transfer Station - Technically Competent Person.

(b) The licence holder shall notify the Environment Agency in writing of any proposed change in the actual conduct of operations, from those in the Working Plan not less than 21 days before the proposed date of implementation, or as otherwise agreed with the Environment Agency. The proposed change shall not be implemented if within 14 days of the date of receipt of the notification the Environment Agency advises the licence holder that the change will require a modification of a licence condition.

(c) Any reference in this licence to the working plan shall include a reference to any modification to the statement or the drawings which have been approved in writing by the Environment Agency as appropriate.

(d) Subject to the terms and conditions of this licence, the site shall be operated in accordance with the working plan.

**C2.** A copy of this licence together with a copy of the working plan shall be kept at the site at all times.

**Technical Competence**

**C3.** Within 14 days of the date of the issue of this licence, the licence holder shall forward to the Environment Agency a list detailing the technically competent person or persons who are to act as the manager(s) of the site. The details provided shall include:

- i) full name
- ii) position within the management structure
- iii) responsibilities
- iv) qualifications
- v) relevant certificates of technical competence or proof that not required.
- vi) details of where persons are based
- vii) details of any other sites for which persons are the technically competent person
- viii) contingency arrangements (eg for periods of leave or absence).

**C4.** Should at any time there be a change to the site manager(s) who is the technically competent person(s) for the site then the Environment Agency shall be notified in writing within 14 days.

**C5.** No operations shall take place unless the Environment Agency has given written confirmation to the licence holder that it is satisfied that the manager(s) of the site is a technically

competent person(s).

**General**

**C6.** A copy of any notice of instruction including discharge consents received in respect of the facility from any authority, other than the Environment Agency, which in any way related to the use of the facility, shall be given to the Environment Agency within three working days of the receipt of such notice of instructions.

**C7.** The operator shall notify the Environment Agency before he commences either the activities authorised under this licence or begins any preparatory works required under Schedule D of the licence, whichever is the sooner.

**C8.** All circumstances of emergency shall be reported to the Environment Agency within 24 hours of its occurrence.

**Schedule D - SITE INFRASTRUCTURE WORKS****Site Accommodation**

D1. In accordance with the detail of the working plan, a site office, equipped with a telephone, shall be provided and maintained at the facility.

**Site Security**

D2. Gates, walls and fencing shall be provided at the facility to prevent unauthorised access to the site. The gates and fencing shall be maintained to the specification detailed in the working plan.

**Lighting**

D3. Lighting in accordance with the working plan shall be provided at the facility for those operations which are to be carried out during the hours of darkness as defined by the statutory lighting up times published by the Science and Engineering Research Council.

**Notice Board**

D4. An identification board of durable material and finish shall be displayed at the entrance to the facility. This shall clearly give the name of the facility, the name, address and telephone number of the operator and of the Environment Agency, the hours of operation and the telephone numbers of the personnel to contact in the event of an emergency.

**Surfacing and Drainage**

D5. All operational areas within the facility shall be surfaced and maintained in accordance with the working plan.

D6. A site drainage system shall be constructed and maintained in accordance with the working plan so that surface water does not accumulate at the facility. This system shall be purpose designed to intercept all contaminated surface waters and spillages so as to prevent contamination of the surface water drainage system or any watercourse or ground water.

**Transfer Building**

D7. A 'waste transfer station building' shall be provided and maintained for the unloading, sorting, storage, and loading of wastes, in accordance with the working plan.

**Secure Storage for Unauthorised Waste**

D8. Provision shall be made to accommodate any waste delivered to or left at the facility that does not conform to Schedule B, in accordance with the working plan.

D9. An Emergency storage area for the receipt of hot wastes shall be provided in accordance with the working plan.

**Plant and Machinery**

D10. Plant and equipment for the handling, receipt and treatment of waste will be provided and maintained on site in accordance with the working plan.

**Hardstanding and Parking**

D11. Provision shall be made within the confines of the site for the parking, loading and unloading

of vehicles transporting waste to and from the facility in accordance with the working plan.

**Weighbridge**

D12. Weighbridges will be provided and maintained in the locations shown and in accordance with the working plan.

**Fuel Tanks and Bunding**

D13. Tanks or drums used for the storage of liquids which may be polluting, including any fuels or oils, shall be contained in a bunded compound whose volume is at least 10% of the total volume or 110% of the volume of the largest storage vessel whichever is the greater. Storage vessels shall be constructed of material suitable for the liquids they contain and labelled to show their contents. They shall conform, where necessary to all relevant safety construction standards and shall be regularly inspected to ensure their integrity.

D14. Every part of the storage tank shall be within the bund.

D15. All taps or permanent valves through which liquid can be discharged shall be:

- i) within the bund;
- ii) discharged vertically downwards;
- iii) shut and locked when not in use.

D16. Any flexible delivery pipe permanently attached to any tank shall be fitted with:

- i) a tap or valve fitted at the delivery end which closes automatically when not in use;
- ii) an isolating valve at the tank end of the pipe which shall be kept locked when not in use.

The flexible delivery pipe shall be locked in such a way which ensures that it is kept within the bund when not in use.

D17. Measures in accordance with the working plan shall be taken to prevent damage to all pipework, valves, pumps, and storage tanks.

**Log Book**

D18. A diary/log book shall be kept at the site.

**Schedule E - OPERATION OF SITE****Waste Reception**

E1. No waste shall be deposited at the facility until all the works required under Schedule D of this licence have been completed.

E2. ~~The types of waste and maximum quantities stored at the facility shall consist of only those specified in Schedule B of this licence.~~

E3. Wastes shall be only delivered to and removed from the facility in accordance with the hours detailed in the working plan. Except in cases of emergency, no delivery, or removal of waste or related operations shall take place outside these hours without the written approval of the Environment Agency.

*modified 1/2/00*  
E4. No waste shall be deposited at the site unless there are at least 3 site operatives in attendance.

E5. All waste which it is intended to deposit at the site shall be unloaded upon arrival.

E6. All waste delivered to the site shall be unloaded, loaded, sorted and stored in the designated areas in accordance with the working plan.

**Inspection of Wastes**

E7. The nature of the waste to be deposited at the site shall be ascertained by way of an examination of documentation and/or by visual inspection of the waste load, by a site operative, prior to deposit to ensure that it is acceptable within the terms of this licence. If the waste is not permitted under the terms of the licence, then the vehicle shall not proceed to the waste transfer area and the load shall be rejected in accordance with the procedures detailed in the working plan.

E8. Vehicles shall only be directed to the waste transfer areas when there is a site operative in attendance to supervise the unloading of waste. If the operative observes any waste not permitted under Schedule B then the waste shall be rejected in accordance with the working plan.

E9. All transformers and capacitors shall be assumed to contain polychlorinated biphenyl unless there is written evidence to the contrary. Such evidence shall be made available to the Environment Agency upon request.

**Procedures for Rejected Loads**

E10. The Environment Agency shall be notified within 24 hours of any incidence whereby the waste delivered is not properly described on the waste description or where the waste is not suitable for disposal at the site by virtue of Condition E8. This notification shall include, as far as possible, details of:

- the nature and quantity of the waste involved;
- the date and time of its rejection;
- the name and address of the producer of the waste;
- the registration number of the vehicle delivering the waste;
- the name, address and the carrier's Registration number of the person delivering the

- waste;  
- the reason for rejection.

### **Weighing**

E11. All loads of wastes delivered to the site and intended for deposit and all loads of waste removed from the site subsequent to their deposit shall be weighed on the site weighbridge in accordance with the working plan.

### **Record Keeping**

E12. A record (manual or computerised) shall be kept detailing the names of the waste carriers and the types and quantities of waste, referenced to the categories detailed in Schedule B of this licence, delivered to and removed from the facility. This record shall include details of all materials recycled or reclaimed on site. These records shall be made available to any authorised officer of the Environment Agency at any reasonable time.

E13. Copies of the daily records, required by condition E12, and a summary of the record shall be forwarded to the Environment Agency at monthly intervals, to arrive within 14 days of the end of the period to which it refers.

E14. The information to be recorded in the site log book/diary shall be in accordance with the working plan. All relevant information shall be entered within 24 hours of its occurrence. The log book shall be made available for authorised officers to read or record comments pertaining to the activities at the facility.

### **Hot Wastes**

E15. No incoming waste which is found to be hot shall be deposited within the waste transfer station building and the procedures detailed in the working plan shall be followed.

### **Wastes Storage**

E16. Recyclable materials retrieved from the wastes deposited at the facility shall be stored in separate containers in accordance with the working plan.

E17. No biodegradable waste shall be stored at the site for longer than 48 hours. Inert wastes, other than those to be recycled, shall be stored at the facility for a maximum of 7 days.

E18. Any equipment containing or assumed to be containing polychlorinated biphenyl shall be stored in a secure place and/or container.

E19. If in the opinion of the Environment Agency any waste segregated for resale or reuse is likely to cause pollution of the environment, harm to human health or is likely to be seriously detrimental to the amenities of the locality, then the waste shall be removed forthwith.

E20. There shall be no processing or treatment of waste at the facility except in association with the sorting and storage of materials suitable for recycling as stipulated in the working plan.

**Spillages**

E21. All spillages shall be dealt with in accordance with the procedures outlined in the working plan.

**Site Cleansing**

E22. The site yard and waste transfer areas shall be completely cleared and cleaned in accordance with the working plan, or when required by the Environment Agency, so as to prevent nuisance from the degradation of waste materials.

**Litter**

E23. Litter shall not be allowed to accumulate within the facility and shall be picked from the site not less frequently than once per seven days or at a greater frequency as directed by the Environment Agency. All litter collected shall be deposited in the general waste reception area in accordance with the working plan.

**Fires**

E24. No waste material shall be burnt within the boundaries of the facility. Any fire occurring within the confines of the facility shall be treated as an emergency and immediate action shall be taken to extinguish it. All outbreaks of fire shall be reported immediately to the Environment Agency and a note of the incident made in the site diary. Fire fighting equipment and emergency water supplies shall be provided, regularly maintained and identified at the facility in accordance with the working plan.

**Vermin**

E25. Precautions in accordance with the working plan shall be taken to deal effectively with vermin and insects. A written record of inspections and treatment undertaken to control vermin and insects shall be made in the site diary.

**Dust**

E26. Precautions in accordance with the working plan shall be taken to control dust emissions.

**Odour**

E27. In the event that the Environment Agency deems there to be a significant odour problem at the site then the operator shall submit to the Environment Agency a scheme for odour abatement. The scheme shall be implemented to a timetable agreed with the Environment Agency.

**Maintenance**

E28. Bunded areas shall be regularly inspected and maintained when necessary to ensure they remain impermeable. Any liquid that has collected in the bunded area shall be collected and removed so as to ensure that the volume (at least 25% of the total volume or 110% of the volume of the largest storage vessel whichever is the greater) is maintained.

E29. The site drainage system shall be inspected monthly and maintained in effective working order at all times.

E30. The gates and fencing shall be inspected daily by a site operative and any damage which



would permit unauthorised access shall be repaired within 24 hours of it being identified. The site gates shall be locked outside operating hours and at any time the site is left unattended.

**Cessation of Operations**

**E31.** Any cessation of operations for a period in excess of 3 months shall be notified to the disposal Authority. Not less than 14 days notice shall be given to the disposal Authority of the date on which operations are to recommence in the event of such a cessation.

## NOTES

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

1. This licence relates only to the requirements of the Environmental Protection Act 1990 for the deposit, keeping, treating and disposal subject to the conditions set out in the Schedules and does not constitute a consent required by other legislation. In particular it is the responsibility of the licence holder to comply with any requirements of the WATER RESOURCES ACT 1991, HEALTH AND SAFETY AT WORK ETC., ACT 1974, the RADIOACTIVE SUBSTANCES ACT 1993, the TOWN AND COUNTRY PLANNING ACTS, BUILDING REGULATIONS, and ALL RELEVANT WATER PROTECTION AND PUBLIC HEALTH legislation including all other provisions of the ENVIRONMENTAL PROTECTION ACT 1990 not directly relating to the deposit of waste.
2. If the licence holder ceases to occupy the land specified above, then the licence may be transferred to the new occupier after giving notice to the Environment Agency who has the right to decline to accept the new licence holder.
3. If the licence holder wishes to cancel this licence, it must be returned to the Environment Agency together with a notice stating that the licence is no longer required. Cancellation of the licence will not affect any outstanding liability of the licence holder under the conditions of the licence.
4. The carriage of controlled waste to and from licensed facilities should only be undertaken by persons authorised under the provisions of the Control of Pollution (Amendment Act ) 1989 and in compliance with section 34 of the Environmental Protection Act 1990.
5. Compliance with the Conditions of this licence is obligatory to ensure that operations do not cause pollution of the environment, or harm to human health, or would not be seriously detrimental to the amenities of the locality affected.
6. All discharges to sewer and watercourse have to meet the requirements of the Environment Agency and the Water Company. Any diversion or other changes will also require Environment Agency or Water Company approval.

## **7. Notices of Appeal**

**[Regulation 6 - The waste Management Licensing Regulations 1994]**

**A person has the right to Appeal to the Secretary of State for Wales against any decision of this Authority concerning this licence.**

### **Section 43**

**With respect to the conditions of this licence or their modification; or the suspension or revocation of the licence itself the Appeal shall be made within six months of the decision of the Authority or at any time the Secretary of State may allow.**

### **Section 66(5)**

**With respect, to an appeal concerning what this Authority considers not to be commercially confidential information and therefore liable to be put on the public register, an appeal must be made within 21 days of the decision being notified to the licence holder.**

**Licence holders should refer for further information to sections 43 and 66(5) of the Environmental Protection Act 1990, Section 6 the Waste Management Licensing Regulations 1994 and Annex 10 of Welsh Office Circular 26/94.**

## **CONTRAVENTION OF LICENCE CONDITIONS**

Attention is drawn to the provisions of Sections 33, 38, 39, 40, 42 and 59 of the Environmental Protection Act 1990. A brief resume is included below.

### **Section 33.**

Prohibits under penalty the deposit of waste, or the treating keeping or disposal of waste, otherwise than in accordance with the terms of a licence. This Section applies to all the conditions contained herein, including any which may be the subject of appeal to the Secretary of State under Section 43 of the Act.

Any deposit which takes place without compliance with all the licence conditions may lead to prosecution under this Section.

A person who commits an offence under this section shall be liable:

- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000 or both; and
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

### **Section 38**

Should the licence holder cease to be a 'fit and proper' person by reason of him being convicted of a relevant offence, or the management of the activities has ceased to be in the hands of a technically competent person or the continuation of activities may cause pollution of the environment or harm to human health or would be seriously detrimental to the amenities of the locality this may lead to revocation of this licence.

The Environment Agency also has powers to suspend the licence if the management of the has ceased to be in the hands of technically competent management, or serious pollution of the environment or serious harm to human health is likely or has already occurred as a result of activities at the site.

### **Section 39**

A licence holder may only surrender a licence with the written agreement of the Environment Agency. An application, enclosing the appropriate fee, to surrender must contain such information as the WRA may require in order to demonstrate that the site is unlikely to cause pollution of the environment or harm to human health.

### **Section 40**

Should the licence holder wish to transfer the licence to another person, i.e. the transferee, a joint application shall be made enclosing the appropriate fee to the WRA. A licence may only be transferred to a 'fit and proper' person as defined by Section 74 of the 1990 Act, and therefore the WRA will be required to assess the status of the transferee by information contained within the application.

### **Section 42**

Non compliance with any licence conditions may lead to the revocation or suspension of this licence.

#### **Section 59**

The licensing authority is empowered to require the removal of any controlled waste deposited in contravention of the conditions contained in this licence.

A person wishing to appeal to the Secretary of State under Section 43 of the Environmental Protection Act 1990 shall do so

by notice in writing to:

The Secretary of State for Wales  
The Welsh Office  
Cathays Park  
CARDIFF

An appeal must be lodged with the secretary of State within six months of the date of issue of this licence, any modification, suspension or revocation, or at any time that the Secretary of State may allow.

The Notice of Appeal must be accompanied by:-

- a) a statement of the grounds of appeal;
- b) where the appeal relates to an application for a Waste Management Licence, a copy of the appellant's application and any supporting documents;
- c) where the appeal relates to an existing Waste Management Licence [including one which has been suspended or revoked], a copy of that licence;
- d) a copy of any correspondence relevant to the appeal;
- e) a copy of any other document relevant to the appeal including, in particular, any relevant consent, determination, notice, planning permission, established use certificate or certificate of lawful use or development; and
- f) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be determined on the basis of written representations.

The appellant shall serve a copy of his notice of appeal on the Environment Agency together with copies of the documents mentioned in Sections a) to f) above.

If the appellant wishes to withdraw an appeal, he shall do so by notifying the Secretary of State in writing and shall send a copy of that notification to the Environment Agency.

Where the decision under appeal is one falling within subsection (6) if, on the application the 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), 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;

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

8. Time limit for making an appeal

[Section 7 - The Waste management Licensing Regulations 1994]

1) Subject to paragraph 2) below, notice of appeal shall be given in the case of an appeal under Section 43 of the 1990 Act before the expiry of 6 months beginning with -

- i) the date of the decision which is the subject of the appeal; or
- ii) the date on which the Environment Agency is deemed by Section 36(9), 37(6), 39(10) or 40(6) of the 1990 Act to have rejected the application.

2) The Secretary of State may in relation to an appeal under Section 43 of the 1990 Act at any time allow notice of appeal to be given after the expiry of the end of the period mentioned in paragraph 1) above.