



ASiantaeth YR
AMGYLCHEDD CYMRU
ENVIRONMENT
AGENCY WALES

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

NOTICE OF MODIFICATION OF WASTE MANAGEMENT LICENCE

To: Mansel Davies & Sons Ltd
Of: Station Yard, Llanfyrnach, Crymymch

WHEREAS on 20th January 1992 you were granted a Disposal Licence, number WD042, by Preseli Pembrokeshire District Council relating to land at Glogue Quarry, near Llanfyrnach.

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")

NOTICE is HEREBY GIVEN that the Environment Agency modifies the conditions contained in the said waste management licence as detailed in Appendix A attached. These modifications shall take effect from 00.00 hours 15th March 1999.

~~*[IN the opinion of the Environment Agency it is necessary for the purpose of preventing pollution of the environment or harm to human health that section 43(4) of the 1990 Act should not apply.]~~

Dated: 22nd February 1999.

(Signed).....

For Environment Planning Manager

N.B.- The person served with this notice may under Section 43 of the 1990 Act appeal against the Agency's decision to the Secretary of State within six months of the date of the decision or such longer period as the Secretary of State may allow. ~~*Delete as appropriate - [The person on whom this notice is served may also make application to the Secretary of State for a ruling as to whether the Agency has acted reasonably in including the above statement as to the non-application of Section 43(4) of the 1990 Act.]~~ (See notes overleaf.)



Environmental Protection Act 1990
Section 37
Licence WD042
22nd February 1999

APPENDIX A

(1)

Schedule A, Definitions, 10 previously read 'Special Waste shall have the meaning assigned to it in Section 2 (1) of the Control of Pollution (Special Waste) Regulations 1980.'

Schedule A, Definitions, 10 shall now read 'Special Waste as defined by regulation 2 of the Special Waste Regulations 1996 or any statutory provisions or regulations amending or replacing them.'

Schedule C, Excluded Wastes, part 2 (a) previously read 'Controlled waste being defined as 'Special Waste' in the Control of Pollution (Special Waste) Regulations 1980 and any subsequent amendments, except those listed in paragraph 1 above.'

Schedule C, Excluded Wastes, part 2 (a) shall now read 'Special waste as defined by regulation 2 of the Special Waste Regulations 1996 or any statutory provisions or regulations amending or replacing them, except those listed in paragraph 1 above.'

Dated: 22nd February 1999.

(Signed).....

For Environment Planning Manager

WASTE MANAGEMENT LICENSING APPEALS

Introduction

- 1.1 The purpose of this Appendix is to explain the procedure for, and the provisions relating to, the submission of appeal to the Secretary of State for Wales under:

Section 43 of the Environmental Protection Act 1990 against decisions made by the Environment Agency on waste management licences; (Section 35(12) of the Act provides that "licence" means a waste management licence. The term "licence" is subsequently used in the rest of this Appendix.)

- 1.2 Section 35 (8) and 74 (5) of the 1990 Act duties on the Environment Agency to have regard to any guidance issued to it by the Secretary of State with respect to the discharge of their functions in relation to licences. The Environment Agency should make prospective applicants and licence holders aware of authorities' duties to have regard to this advice; and that the Secretary of State will similarly have regard to this advice in his determination of appeals made to him.

Right to Appeal

- 1.3 Applicants and other persons have a right of appeal to the Secretary of State in the circumstances set out in paragraphs 1.4 below.
- 1.4 Section 43 (1)(a) of the 1990 Act sets out the right of appeal to the Secretary of State by a licence holder where an application to modify the conditions of a licence submitted under Section 37 (1) (b) is rejected by the Environment Agency or is deemed to be rejected under section 37 (b);

Notice of Appeal

- 1.5 **Regulation 6 (1)** provides that any person who wishes to appeal to the Secretary of State under Section 43 must do so by notice in writing. **Regulation 6 (2)** provides that the notice of appeal must be accompanied by certain information:

The information to be provided

- (a) a statement of the grounds of appeal;
 - (b) a copy of any correspondence relevant to the appeal;
 - (c) a copy of any other document relevant to the appeal including, in particular, any relevant consent, determination, notice, planning permission, established use certificate of lawful use or development; and
 - (d) a statement including whether the appellant wishes the appeal to be in the form of a hearing or to be determined on the basis of written Representations;
 - (e) a copy of the appellants application and any supporting documents; and
 - (f) a copy of the waste management licence.
- 1.6 A copy of a form on which notice of appeal may be given is available from:

Welsh Office
Environment Division
Cathays Park
Cardiff

- 1.7 **Regulation 6 (3)** require the appellant to serve a copy of his notice of appeal and any documents provided under paragraph 1.5 above, on the Environment Agency.

The Effect of Making an Appeal

- 1.8 The Environment Agency's decision remains in effect pending determination of the appeal in cases of:

Section 43 (1) (a)

- (a) an application for a licence submitted under Section 36 (1) (a) or (b) is rejected by the Environment Agency or is deemed to be rejected under Section 36 (9);
- (b) an application to modify the conditions of a licence submitted under Section 37 (1) (b) is rejected by the Environment Agency or is deemed to be rejected under Section 37 (6);

Withdrawal of an Appeal

- 1.9 **Regulation 6(4)** provides that if an appellant wishes to withdraw his appeal he must do so by notifying the Secretary of State in writing and send a copy of that notification to the Environment Agency. Subject to these requirements, an appellant may withdraw his appeal at any time.

Time Limit for Making an Appeal

- 1.10 **Regulation 7 (1)** provides that, subject to **Regulation 7 (2)**, notice of appeal must be given:

Appeals Under Section 43 (1) (a)

- (a) before the expiry date of 6 months beginning with:
 - (i) the date of the decision which is subject to appeal; or
 - (ii) the date on which the Agency is deemed by Section 36 (9), 37(6), 39(10) or 40 (6) of the 1990 Act to have rejected the application; or

- 1.11 **Regulation 7 (2)** provides that 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 6 month period mentioned in paragraph 1.17 (a) above. In the case in which the Secretary of State receives a notice of appeal after the expiry of this 6 month period he will request from the person wishing to appeal, and before considering the exercise of his discretion under **Regulation 7 (2)**, an explanation of the reasons for that person's not giving notice within the time limit provided by **Regulation 7 (1) (a)**. The Secretary of State has no discretion under **Regulation 7 (2)** to accept an appeal under Section 66 (5) after the expiry of 21 day limit provided by **Regulation 7 (1) (b)**.