

Our Ref: Financial Provision Project/30191
Your Ref:



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AMGYLCHEDD CYMRU
ENVIRONMENT
AGENCY WALES

Powys Environmental Ltd
Alt Na Gar
25 Hospital Road
Builth Wells
Powys
LD2 3HE

Dear Sir or Madam

**Modification of Waste Management Licence number: SEW/201 (30191)
Return of Financial Provision**

Please find enclosed Notice of Modification with regard to the above waste management licence. This modification has been undertaken under the Agency's own initiative to remove the condition that required your financial provision agreement to be maintained.

The Agency has recently changed its policy with regard to financial provision for non-landfill waste management licensing. Applicants and licence holders can now satisfy the Agency on the financial provision test by demonstrating financial health. This can be done through credit checks or evidence of sufficient funds. The arrangements you previously made with the Agency are no longer necessary and financial provision will not be reassessed unless you apply to modify the licence and increase the licence obligations. Please read on to see how the financial provision agreements will be returned.

Bond: Bonds will be returned to the bondsmen (normally banks) before the end December 2003 thereby cancelling them. The legal agreement will be returned to the licence holder by April 2004.

Cash Deposit: The deed of trust and cash payment together with interest earned and tax certificates will be returned to the licence holder by April 2004.

Escrow: You will receive a letter of authority signed by our authorised signatory with a space for you to sign, confirming to the bank that the account should be closed and the money paid out to the licence holder.

Insurance: The policy will be returned to the insurer with a covering letter requesting that the policy be cancelled forthwith. The bond will be returned to the bondsman and the legal agreement will be returned to the licence holder.

Parent Company Guarantee: The guarantee will be returned to the guarantor.

Local Authority Agreements: The agreement will be returned to the Local Authority.



The return of all the financial agreements and cash deposits is being handled by a central team. Bonds are to be returned to the bondsmen and banks by 1st January 2004, so please contact your bank if you need to find out more. All other agreements will be returned by 1st April 2004. If you have any enquiries please address them to:

Charlotte Danvers,
Financial Provision Project,
Environment Agency,
Richard Fairclough House,
Knutsford Road,
Warrington,
WA4 1HG.

Further information can be found on our website at www.environment-agency.gov.uk by searching under "Financial Provision Project".

The agreements are being cancelled in accordance with the provisions of Clause 4 of your agreement with the Agency. If you have any objections to this please contact Charlotte Danvers by return.

If by April 2004 you have not received the relevant documentation please contact the Financial Provision Project.

Yours faithfully



Signed on behalf of
C N Danvers
Financial Provision Project Manager



**ENVIRONMENTAL PROTECTION ACT 1990
SECTION 37**

**WASTE MANAGEMENT LICENCE
NOTICE OF MODIFICATION**

Agency Ref No: 30191 LICENCE REF No: SEW/201 (30191)	FACILITY TYPE: A11
LICENCE HOLDER: Powys Environmental Limited	LICENSED FACILITY: The Graig Yffauldau Transfer Station
Alt Na Gar 25 Hospital Road Builth Wells Powys LD2 3HE	Llandegley Llandrindod Wells Powys LD1 5VD


WHEREAS you are the licence holder of the said licensed facility

AND WHEREAS on the 1st April 1996 the powers and duties of all waste regulation authorities in England and Wales transferred to the Environment Agency ("the Agency") by virtue of section 2 of the Environment Act 1995

AND WHEREAS the conditions of the said licence may have been modified from time to time

NOTICE IS HEREBY GIVEN that the Agency modifies the conditions of the said licence in accordance with Section 37(1)(a) of the Environmental Protection Act 1990 and as set out in the Schedule attached to this notice.

Signed


ANDREW GIBBS
(Team Leader - Regulatory Waste)

Dated

5 December 2003

This modification shall take immediate effect.

**YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL DETAILED AT THE END OF THIS
MODIFICATION.**



SCHEDULE – CONDITIONS RELATING TO THIS MODIFICATION

Modification of conditions under section 37(1)(a) of the Environmental Protection Act 1990 as follows:

Whereas the licence had a condition requiring financial provision to be made and/or maintained, this condition shall now be deleted.

EXPLANATORY NOTES - including rights of appeal.

RIGHTS OF APPEAL

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

Where, except in pursuance of a direction given by the Secretary of State, the conditions of a licence are modified, the licence holder may appeal from the decision to the Secretary of State.

Therefore, if you feel aggrieved by the decision detailed on the attached notice, you may obtain the appropriate form on which to give written notice of an appeal from :-

The Planning Inspectorate
Room 4/19 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

For Wales, the address is –
The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Tel: 0117 372 8812
Fax: 0117 372 6093

Tel: 02920 823859
Fax: 02920 825150

This notice of appeal should be accompanied by the following information:

- A statement of the grounds of appeal;
- A copy of any application to modify the licence
- 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 the above documents that have accompanied your notice of appeal, on the Environment Agency (at the address overleaf). 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.

Waste Management Licensing FINANCIAL PROVISION PROJECT

Decision Document and Compliance Plan

1. Introduction

Area	South East
Region	Wales

Waste Management Licences for non landfill sites need to be modified to delete a condition that required financial provision to be made and maintained.

In July 2003 the Agency issued a new financial provision policy whereby applicants for non-landfill licences can now satisfy the Agency that they are fit and proper if they are in a position to make financial provision. Normally this will be by financial health check or proof of means (e.g. funds in bank).

Licences for sites other than landfills with a financial provision agreement secured with the Agency under the previous policy are available on request. It is no longer necessary for licence holders to maintain these financial provision agreements with the Agency. In order to effect their cancellation the conditions referring to financial provision now require to be deleted.

Once the licences are modified the agreements will be returned together with any bonds and cash held by the Agency on their behalf. This will be undertaken by the Financial Provision Project Team (contact Charlotte Danvers, Waste Permitting and Compliance Process for further information).

2. Consultation & Other Representations

The Health and Safety Executive and all Local Planning Authorities have been consulted. Appendix 1 details the comments received those consultees that responded.

Consultation and Compensation Provisions: Not Applicable
Planning Status: Not applicable for these modifications
Habitats Directive / SSSI: No impact from these modifications

3. Licence Conditions

All the modifications are by the Agency's own initiative to delete a condition that required financial provision to be made and/or maintained. A standard condition has been developed that does not need the licence condition number or the exact wording to be referred to, as follows:

Whereas the licence had a condition requiring financial provision to be made and/or maintained this condition shall now be deleted.

4. Fit and Proper Status Not applicable for this modification under the Agency's own initiative. Licence holders will not be reassessed for financial provision under the new policy unless they apply for a new licence, transfer or modify to increase the obligations.

5. Decision

It has been decided that modification should be granted.

i) Signed Tyrol W. Wood Designation: Regulatory Specialist (Waste)

Date.....5 December 2003.....

(ii) Decision document and determination of modification approved by designated person under NFSoD

i) Signed Andrew Gibbs Designation: Team Leader - Regulatory Waste

Date.....5 December 2003.....

6 Compliance Plan

The Inspecting Officers for the licences modified under this decision document should note the following:

- 6.1 The Modification removes the requirement for the licence holder to hold and maintain the financial provision agreement made under previous Agency policy.
- 6.2 The Licence holder has not been reassessed for financial provision. They will not be required to demonstrate their financial health to meet the obligations of the licence until and unless they apply to modify the licence and increase the obligations.
- 6.3 The Financial Provision Project Team will organise the cancellation of the legal agreements centrally, as follows:
- Bonds will be returned to the bondsmen (usually banks) by end December 2003. A licence holder should contact their bondsman to check it has been cancelled.
 - Cash deposited with the Agency will be returned together with interest earned and the relevant tax certificates by end March 2004.
 - All other agreements will be dealt with by end March 2004.
- 6.4 If in **April 2004** a licence holder has not had the agreement cancelled they should be advised to contact the Financial Provision Project directly.

Appendix 1 – Consultee comments and other representations (SE area)

Consultee	Comment
HSE	No Objections
Caerphilly	Concern expressed, no objections.
South Gloucestershire	Concern expressed, no objections.
All other Waste Planning Authorities	No Response