



ENVIRONMENT
AGENCY

ENVIRONMENTAL PROTECTION ACT 1990
SECTION 37 (1) (b)

WASTE MANAGEMENT LICENCE
NOTICE OF MODIFICATION

LICENCE REF NO :- SL 561	FACILITY TYPE :- METAL RECYCLING SITE
LICENCE HOLDER :- Mr M.J. O'Brien Watery Lane Willenhall West Midlands, WV13 3SD	LICENSED FACILITY :- Watery Lane Willenhall West Midlands, WV13 3SD

WHEREAS on the 29th January 1988, Walsall Metropolitan Borough Council issued a Waste Disposal Licence (now to be treated as a waste management licence) in pursuance of their powers under Part I of the Control of Pollution Act 1974 for the above named facility to you

***AND WHEREAS** on the 1 April 1995 the said licence fell to be treated as a Waste Management Licence,*

***AND WHEREAS** on the 16th February 1996 the said licence was modified,*

***AND WHEREAS** on the 1 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 on 16th February 2003 you applied to modify the licence.

NOTICE IS HEREBY GIVEN that the Agency modifies the condition said licence in accordance with Section 37(1)(b) of the Environmental protection Act 1990 and as set out in the Shedule attached to this notice.

Signed K. Boyle
Team Leader - Environment Management

Name: Keith Boyle

Date 28th April 2003

Such modification to take effect on [29 April 2003]
hrs.

at 00.01

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

Mr O'Brien
Watery Lane
Willenhall
Wastmidlands, WV13 3SD
Date of issue 28/04/2003

Licence No:SL 561

Modification No: 2



If our powers under section 43 (6) are being used (notice has immediate effect even if appealed) specified 'The Environment Agency is of the opinion that it is necessary that section 44(4) of the Environmental Protection Act 1990 shall not apply for the purpose of preventing or, where is not practicable, minimising pollution of the environment of harm to human health (please see over for notes).'

Where a notice giving the Agency's decision to modify a waste management licence includes a statement that for the purposes of preventing, or where that is not practicable, minimising pollution of the environment or harm to human health, Section 43(4) of the Environmental Protection Act 1990 shall not apply to the decision, the notification of an appeal against the decision will not of itself render the decision ineffective pending determination of the appeal.

If you consider that such a statement has been unreasonably included in the notice of decision you may apply, under Section 43(7) of the Environmental Protection Act 1990, to the Secretary of State to determine whether the Agency's action was unreasonable or not. If the Secretary of State determines that the Authority acted unreasonably in including such a statement, the Agency's decision will become ineffective while an appeal is pending and you will be entitled to recover compensation from the Agency in respect of any loss you have suffered in consequence of exclusion of the application of Section 43(3). Any dispute as to your entitlement to compensation of its amount shall be determined by arbitration.

SCHEDULE-CONDITIONS RELATING TO THIS MODIFICATION

Modification of conditions under section 37(1)(b) follows:

Add condition 29 to Schedule A as attached to this notice.

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.

Schedule A

29. Notwithstanding condition 3, the total quantity of waste deposited annually at the site shall not exceed 5000 tonnes.