



Reference: LDC/CONWAY/P2

Environmental Permitting (England and Wales) Regulations 2016, Regulation 61(1)

Notice Requiring Information

Notice specifying information required to enable Lewes District Council to discharge its Statutory functions under the Environmental Permitting Regulations 2016 (as amended).

To: FM Conway Limited

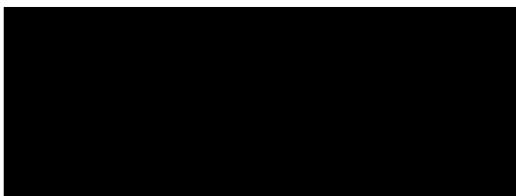
Registered Office: Conway House, Vestry Road, Sevenoaks, Kent TN14 5EL

Installation Address: Newhaven Asphalt Plant, Plots 6 & 7, North Quay, Newhaven BN9 0AB

Lewes District Council ("the Council"), in the exercise of the powers conferred upon it by regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016, hereby requires you:

(a) to furnish the Council at the email address set out below the information specified in the Annex attached to this Notice in writing ("the Annex");

(b) to furnish that information by **23rd February 2024 (or as per the Annex item)**.

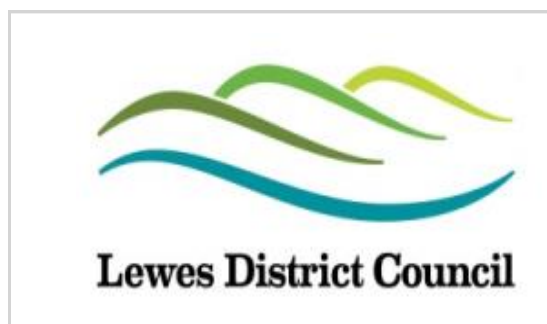


Signed:

Dated:

22nd December 2023

Rachel Sadler
Specialist Advisor – Air Quality



Guidance for Operators receiving an Information Notice

(This guidance does not form part of the Information Notice, but it is for the guidance of those served with the notice.)

1. Responding to an Information Notice requirement

For the purposes of discharging its functions under the Environmental Permitting (England and Wales) Regulations 2016, Lewes District Council may (under Regulation 61(1)), require any person to provide information, within the period it specifies in this notice.

Failure to comply with this notice without reasonable excuse is an offence under Regulation 38(4)(a) and may lead to legal action being taken against you.

Making any statement in response to this notice that you know to be false or misleading in a material particular, or recklessly making any statement which is false or misleading in a material particular is an offence under Regulation 38(4)(b) and may lead to legal action being taken against you.

There is no right to appeal against this notice.

You may wish to seek independent legal advice.

2. Confidentiality

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/Welsh Ministers, 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/Welsh Ministers has decided the matter.

3. Offences

A person guilty of an offence under this regulation could be liable (i) on summary conviction, to a fine¹; or (ii) on conviction to a fine or imprisonment for a term not exceeding two years or both.

¹ The statutory cap on the maximum fine that can be imposed on summary conviction (previously £5,000) has been removed for most statutory criminal offences. The change applies to offences committed on or after 12 March 2015 (but is not retrospective); See The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (SI 2015/664).



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ANNEX

To: FM Conway Limited

Registered Office: Conway House, Vestry Road, Sevenoaks, Kent TN14 5EL

Installation Address: Newhaven Asphalt Plant, Plots 6 & 7, North Quay, Newhaven BN9 0AB

The information required is as follows:

Item	Details	Format Required
1	All model and data input files used in the production of the Socotec Air Quality Assessment dated June 2023 and referenced LSO230343; specifically those detailed in Table B.2 and Reference items 9, 10, 11, 12 & 13.	In writing by email (or suitable electronic means such as Dropbox, Teams or similar) to: Rachel.Sadler@lewes-eastbourne.gov.uk
2	A detailed and clearly legible plan of the plant stack, the locations of all sampling points (periodic and internal), all fans and air inlet points.	In writing by email to: Rachel.Sadler@lewes-eastbourne.gov.uk
3	A rationale for installing a stack serving the roadstone coating plant that does not meet with the specifications approved under planning reference LW/840/CM.	In writing by email to: Rachel.Sadler@lewes-eastbourne.gov.uk
4	An explanation as to why (as per Socotec AQA LSO230343) the stack exhaust velocity ranges from 25.4 to 32 m/s under normal operating conditions when BAT target exit velocity is 15 m/s.	In writing by email to: Rachel.Sadler@lewes-eastbourne.gov.uk
5	Details of the flue and ductwork cleaning regime as part of the plant routine maintenance programme and evidence this has been undertaken in the last twelve months.	In writing by email to: Rachel.Sadler@lewes-eastbourne.gov.uk



6	PCME logs since installation including malfunction and emission limit exceedance alerts.	In writing by email to: Rachel.Sadler@lewes-eastbourne.gov.uk
7	Detailed plan showing location of PCME probes.	In writing by email to: Rachel.Sadler@lewes-eastbourne.gov.uk
8	The Socotec Report No: 23_11_PN253543_4_DJH_02 shows all four Frisbee gauges had missing particle traps during October 2023 and one gauge had been blown over; the Council is to be informed at least two weeks prior to the proposed return visit of the Socotec engineers (February changeover).	In writing by email to: Rachel.Sadler@lewes-eastbourne.gov.uk
9	Envea stack testing report reference EMT07448 and dated April 2023 (reporting on testing undertaken 19 th October 2023) does not sufficiently detail the batches being produced during the testing; this information is required to be forwarded to the Council and all future periodic monitoring reports shall contain this information.	In writing by email to: Rachel.Sadler@lewes-eastbourne.gov.uk
10	<p>An air emissions risk assessment following Defra/EA guidance Air emissions risk assessment for your environmental permit - GOV.UK (www.gov.uk) is required to be undertaken and the Council is to be informed at least two weeks prior to commencement of any works on the RA.</p> <p>Further detailed modelling in relation to emissions of particulate matter, sulphur dioxide and VOCs (as benzene) (and possible other pollutants if not screened out) shall be undertaken and the Council shall be kept informed on the progress of this modelling, the results of which will determine future best practice operating procedures.</p>	In writing by email to: Rachel.Sadler@lewes-eastbourne.gov.uk

Lewes District Council
 Southover House
 Southover Road
 Lewes
 East Sussex
 BN7 1BW