



Regulation 20

## Variation Notice

The Company Secretary  
F M Conway Limited

(The Operator)

Registered office address:

Installation address:

Conway House  
Vestry Road  
Sevenoaks  
Kent  
TN14 5EL

F M Conway  
Newhaven Asphalt Plant  
Plots 6 & 7  
North Quay  
Newhaven  
BN9 0AB

Company Number 00706445

Lewes District Council ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016<sup>1</sup> (as amended) ("the 2016 Regulations") hereby gives you notice as follows:

- 1 The Council has decided to vary the conditions of permit granted under regulation 13(1) of the Environmental Permitting Regulations 2016 in respect of the operation of the installation at the address detailed above.
- 2 The variation of the conditions of the permit and the date [s] on which they are to take effect are specified in Schedule 1 to this notice.
- 3 A consolidated permit as varied by this notice is set out in Schedule 2.

Signed

**Julie Quanstrom**  
Authorised to sign on behalf of  
Lewes District Council

Dated

5 September 2025

<sup>1</sup> SI 2016 No. 1154

Regulation 20

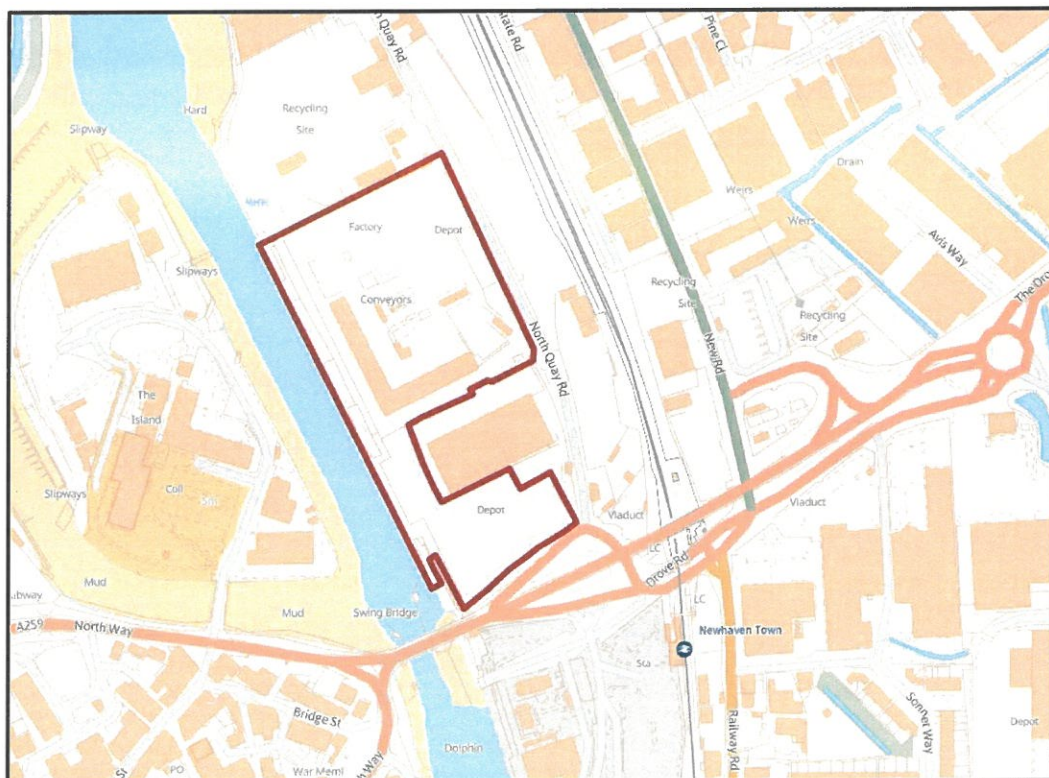
**Schedule 1**

**Variation to the conditions of the permit**  
**The following amendments have been made to your permit**

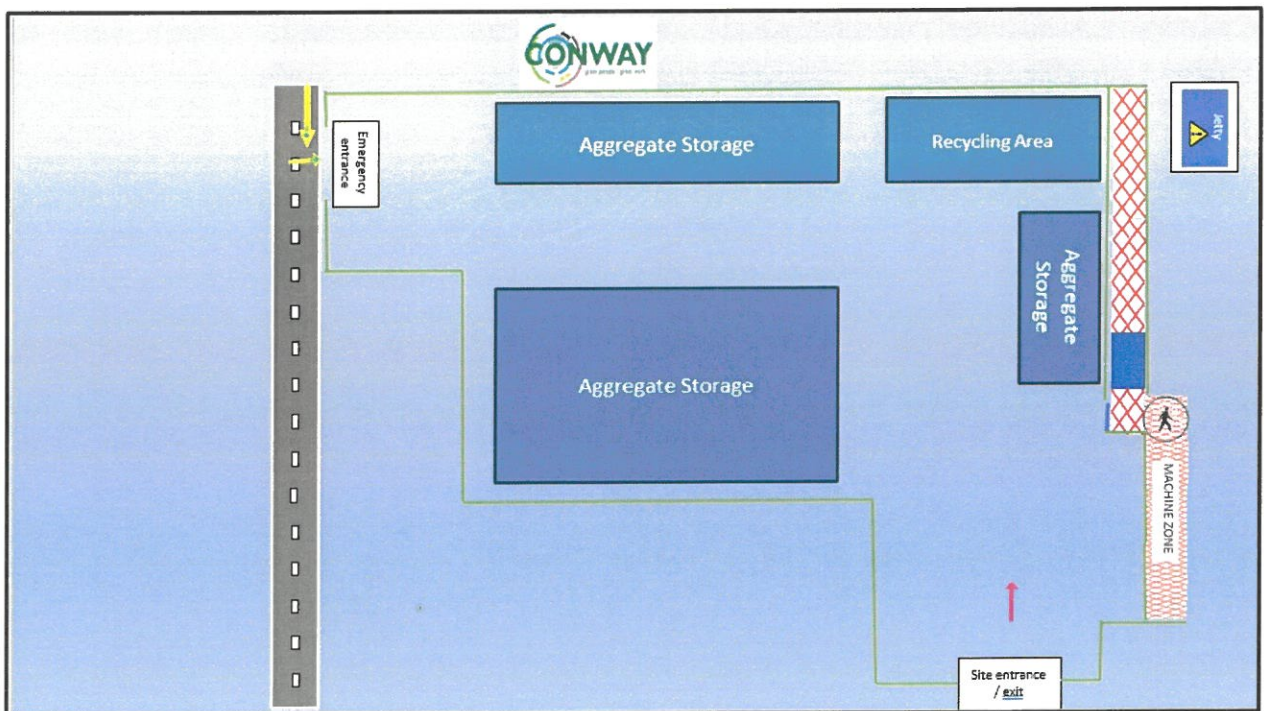
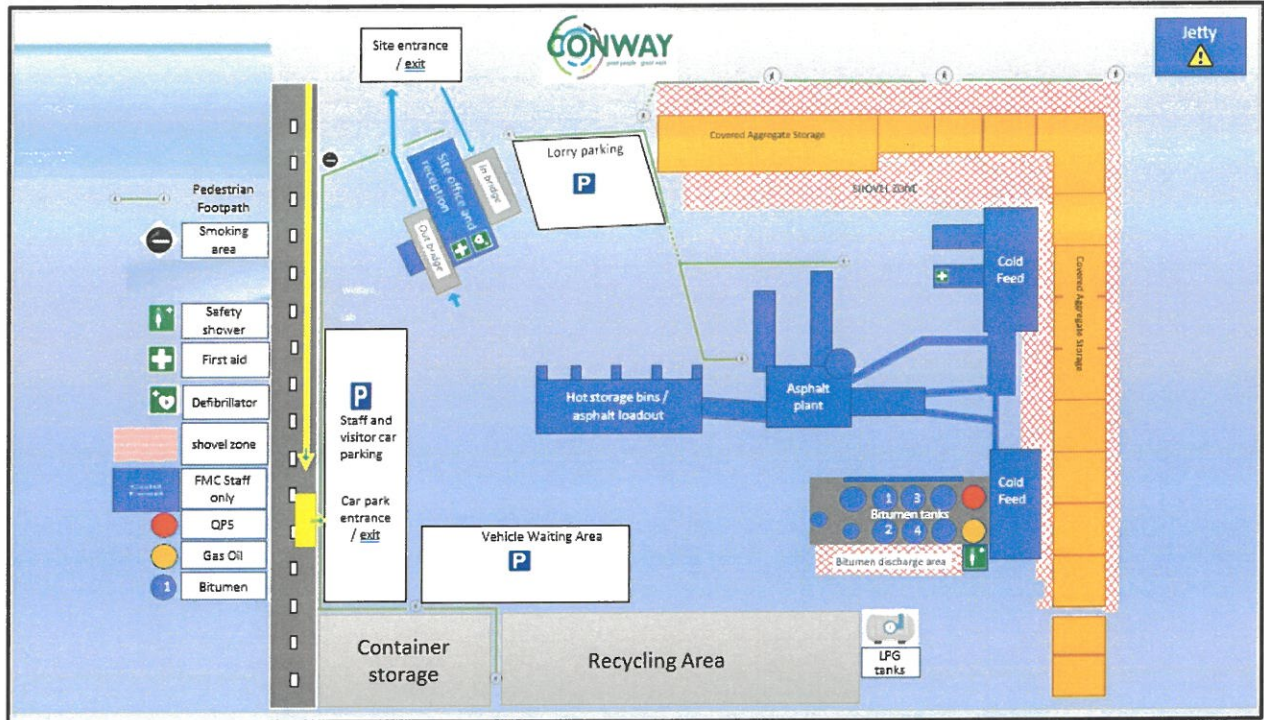
**CONDITIONS**

- 1 The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.
- 2 If the Operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the Regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition "change in operation" means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.
- 3 The Operator is authorised to carry out the activities and/or associated activities as specified and within the boundary shown in red on the plans below:

**Location Plan**



Regulation 20



**Regulation 20**

**Variation Notice Reference: LDC/CONWAY/v3**

**Page 4**

**Emissions and monitoring**

- 4 No visible particulate matter shall be emitted beyond the installation boundary.
- 5 The overall aim should be that all emissions are free from offensive odour outside of the site boundary, as perceived by the Regulator. Where complaints are received that may be attributable to the installation the Operator shall investigate in order to find out which part of the plant may be the cause.
- 6 The emission requirements and methods and frequency of monitoring set out in Table 1 shall be complied with. Sampling shall be representative.

Any monitoring display required for compliance with the permit shall always be visible to operating staff. Corrective action shall be taken immediately if any periodic monitoring result exceeds a limit in Table 1, or if there is a malfunction or breakdown of any equipment which might increase emissions. Monitoring shall be undertaken or repeated as soon as possible thereafter, and a brief record shall be kept of the main actions taken.

Where continuous monitors are fitted to show compliance with a numerical limit in Table 1: All continuous monitors fitted to show compliance with the permit shall be fitted with a visible/audible alarm warning of arrestment failure or malfunction. They shall activate when emissions reach 75% of the relevant emission limit in Table 1 and record automatically each activation. Alarms shall be tested at least once a week.

- 7 All plant and equipment capable of causing, or preventing, emissions and all monitoring devices shall be calibrated and maintained in accordance with the manufacturers' instructions. Records shall be kept of such maintenance.
- 8 Road planings containing coal tar shall be:
  - Identified by sampling all incoming planings.
  - Stored separately from other materials and not processed.
  - Removed from site as and when necessary.

**Silos, where used**

- 9 Fillers and bitumen shall only be stored within the filler and bitumen silos.
- 10 Dust emissions from loading or unloading road tankers shall be minimised by venting to suitable arrestment plant to meet the emission limits in Table 1. Emission limits shall also be minimised by connecting transfer lines first to the delivery inlet point and then to the tanker discharge point, and by ensuring delivery is at a rate which does not pressurise the silo.
- 11 Silos shall not be overfilled and there shall be an overfilling alarm.
- 12 (for silos new since Jun 2004) When loading filler silos, deliveries must stop automatically where over-pressurisation or over-filling is identified.
- 13 Displaced air from pneumatic transfer shall pass through abatement plant prior to emission to air.

**Aggregates delivery and storage**

- 14 Dusty materials (including dusty wastes) shall only be stored in covered/contained storage bays, hoppers and bags, as detailed on the plan attached to this permit and shall be subject to suppression and management techniques to minimise dust emissions. Materials unloaded at the wharf side shall

**Regulation 20**

also be subject to suppression and management techniques to minimise dust as necessary.

**Belt conveying**

- 15 All dusty materials, including wastes, shall be conveyed using adequate protection against wind whipping; where necessary conveyed material shall be dampened and conveyors fitted with effective means for keeping the return belt clean. All transfer points shall have necessary techniques employed at the point of discharge to minimise emissions.

**Loading, unloading and transport**

- 16 No potentially dusty materials (including wastes) or finished products shall arrive on or leave the site other than by use of covered vessels, tankers, fully enclosed transport, sheeted transport or bagged so as to prevent visible dust emissions.
- 17 In order to prevent unacceptable dust emissions during ship unloading, no unloading shall be undertaken when wind speed is greater than 15 m/s.

**Roadways and transportation**

- 18 All areas where there is regular movement of vehicles shall have a consolidated surface capable of being cleaned, and these surfaces shall be kept clean and in good repair. Quarry haul roads are excluded from this provision.
- 19 Vehicles shall not track material from the site onto the highway.

**Techniques to control fugitive emissions**

- 20 The fabric of process buildings (including plastic sheeting designed to control emissions) shall be maintained so as to minimise visible dust emissions, and odours. The RAP feed hopper shall be empty when not in production.

**Records and training**

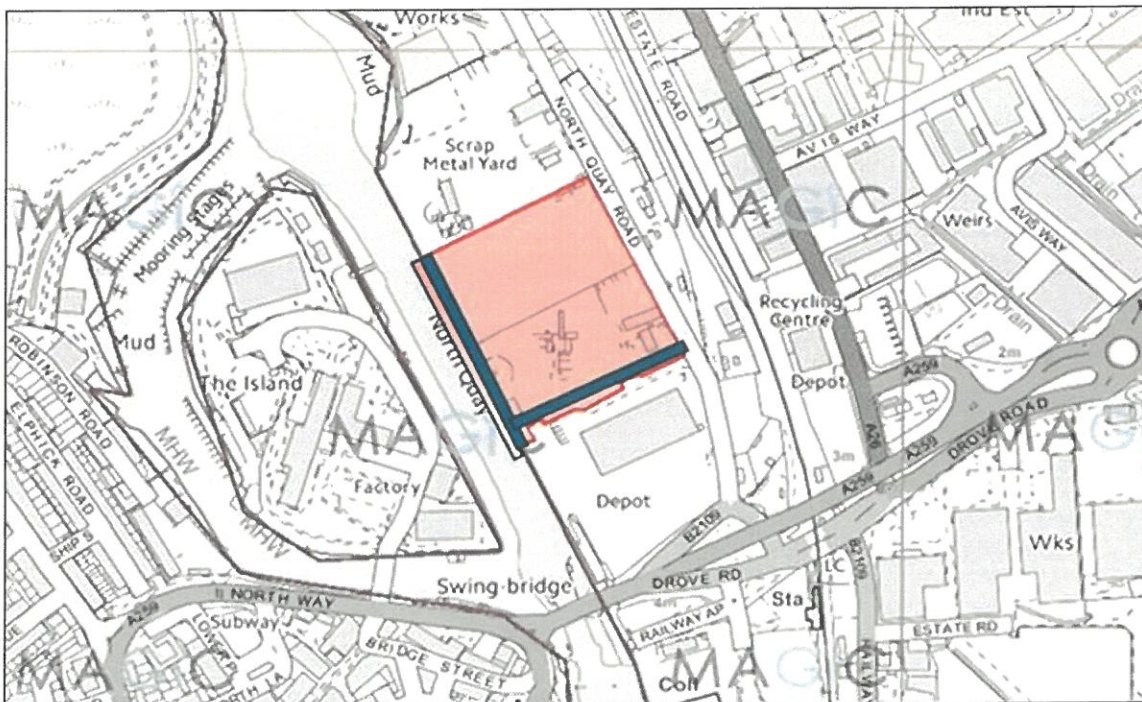
- 21 Written or computer records of all tests and monitoring shall be kept by the Operator for at least 24 months. They and a copy of all manufacturers' instructions referred to in this permit shall be made available for examination by the Council. Records shall be kept of Operator inspections, including those for visible and odorous emissions.
- 22 Staff at all levels shall receive the necessary training and instruction to enable them to comply with the conditions of this permit. Records shall be kept of relevant training undertaken.
23. Any plant utilised for crushing and /or screening shall hold a permit under the most recent version of the Secretary of States Guidance PG3/16 Statutory guidance for mobile crushing and screening, and provided with a trained operator.

**End of Conditions**

Regulation 20

Schedule A	
<p>Marini Top Tower 3000S modular batch plant, rated at up to 240 tonnes per hour. With associated hot asphalt material storage bins with a capacity of 520 tonnes. A dedicated wharf for the importation of aggregates from vessels and a crushing and screen plant for recycling road planning's and other pre-coated aggregate.</p>	
<p>In addition to the main filter, there are 3 Dustquip (water-fogging units) systems and 1 Corgin system.</p>	
1	<p>- installed around the mixed material load-out and is linked to the control system so that load-out of all material from the hot asphalt material storage silos can only happen when Dustquip system is operational.</p>
2	<p>around the mixer discharge point, since the installation of the cladding structure around the mixer discharge area this is only used when carrying out maintenance.</p>
3	<p>over the aggregate stock bays and used when excess aggregate from the mixing process is returned to the aggregate storage bays. The Corgin system is in the exhaust stack and starts automatically when the main exhaust fan starts.</p>

Schedule B additional works	
The plastic sheeting designed to enclose the product loading operation shall be inspected and maintained as necessary.	With 1 month of the date of this permit
Provide catch pots to all bitumen fume emission vents	With 1 month of the date of this permit
Ensure all haul roads are free of potholes and are cleanable. (See map below)	Within 4 months of the date of this permit.





Regulation 20

Table 1 - Emission Limits, monitoring and other provisions					
Row	Substance	Source	Emission limits / provisions	Type of Monitoring	Monitoring Frequency
<b>Whole site and all authorised emission points</b>					
1	Visible emissions	Site including the wharf, and asphalt/RAP screening area/aggregate recycling area/activities	No visible emissions to cross site boundary	Operator observations	Once a day coating plant. Once on start-up and on 2 other times a day during RAP screening activities, where not undertaken by screen operative.
2	Visible emissions	All authorised emission points including discharge from ship at the wharf.	No abnormal emission	Operator observations	2 x day during ship unloading.
3	Droplets, persistent mist, fume odours (as defined in condition 5) and smoke	All emissions to air (except steam and condensed water vapour)	No droplets, no persistent mist, no persistent fume.  No visible smoke except during start-up of coating plant and then no darker than Ringelmann 1	Visual observations  Odour assessment	On start-up and on at least two more occasions during the working day

<b>Roadstone coating plant</b>					
4	Particulate matter	Roadstone coating plant existing at 1 July 2004, except where new or replacement arrestment equipment is fitted	Where currently achieved: 50 mg/m3	EITHER:  Periodic, quantitative, 6 monthly  OR: Period, quantitative, annual monitoring  Plus continuously recorder filter leak monitoring	
			Where 50 mg/m3 currently achieved, but only inconsistently:  100 mg/m3 PLUS efforts should be made to improve consistency.		
			Where 50 mg/m3 currently not achieved:  100 mg/m3		
5	Particulate matter	Since 1 July 2004: new roadstone coating plant, and roadstone coating plant with new or replacement arrestment equipment	50 mg/m3		

Regulation 20

Variation Notice Reference: LDC/CONWAY/v3

Page 8


6	Sulphur dioxide	All activities using heavy fuel oil or other residual type/comparable Quality Protocol Processed Fuel Oil	1% wt/wt sulphur in fuel	Sulphur content of fuel is regulated under the Sulphur Content of Liquid Fuels Regulations	
7	Sulphur dioxide	All activities using gas oil/comparable Quality Protocol Processed Fuel Oil	0.1% wt/wt sulphur in fuel	Sulphur content of fuel is regulated under the Sulphur Content of Liquid Fuels Regulations	
Activities burning bio-fuels shall have a limit set for sulphur in fuel Activities burning waste oil not covered by the quality protocol processed fuel oil must comply with the Waste Incineration Directive (WID).					
<b>Silos</b>					
8	Particulate matter	Silo inlets and outlets	Designed to emit less than 10mg/m <sup>3</sup>	Certification	Certification upon request
			No Visible emissions	Operator/driver Observations Record start and finish times	Every delivery
<b>Arrestment plant not serving silos or roadstone coating plant</b>					
9	Particulate matter	Arrestment equipment with exhaust flow >300 m <sup>3</sup> /min: (see note a)	Designed to achieve 50 mg/m <sup>3</sup>	Recorded filter leak monitoring	Continuous
10	Particulate matter	Arrestment equipment with exhaust flow >100 m <sup>3</sup> /min: (see note a)	Designed to achieve 50 mg/m <sup>3</sup>	Filter leak monitoring to demonstrate that the arrestment equipment is functioning correctly	Continuous
11	Particulate matter	Arrestment equipment with exhaust flow =/<100 m <sup>3</sup> /min (see note a)	No visible emission	Operator observations	At least daily
				OR Filter leak monitoring to show that the equipment is functioning correctly	Continuous
Notes *All periodic monitoring results shall be checked by the Operator on receipt and sent to the Council within 8 weeks of the monitoring being undertaken.*					
(a) Where the plant is discharging to the external atmosphere.					
(b) The reference conditions for limits in Table 1 are: 273.1K, 101.3kPa, without correction for water vapour content.					
(c) All periodic monitoring shall be representative, and shall use standard methods.					
(d) The emission limits do not apply during start-up and shut down. All emissions shall be kept to a minimum during these periods					

End of Permit

Regulation 20

The above variations take effect immediately

Signed

A handwritten signature in black ink, enclosed within a rectangular box. The signature appears to be 'Julie Quanstrom'.

**Julie Quanstrom**  
Authorised to sign on behalf of  
Lewes District Council

**The Regulator Contact Details**

Lewes District Council  
Regulatory Services  
6 High Street  
Lewes  
East Sussex  
BN7 2AD

[www.lewes-eastbourne.gov.uk](http://www.lewes-eastbourne.gov.uk)

Email: [CustomerFirst@lewes-eastbourne.gov.uk](mailto:CustomerFirst@lewes-eastbourne.gov.uk)

## Regulation 20

### **Guidance for operators receiving a Variation Notice**

(This guidance does not form part of the Variation Notice, but it is for the guidance of those served with the notice.) Further guidance can be found in the EP General Guidance Manual at <https://www.gov.uk/government/publications/local-authority-pollution-control-general-guidance-manual>

### **Dealing with a Variation Notice**

This notice varies the terms of the permit specified in the Notice by amending or deleting certain existing conditions and/or adding new conditions. The Schedules attached to the notice explain which conditions have been amended, added or deleted and the dates on which these have effect.

The Council may have included a 'consolidated permit', which takes into account these and previous variations. Where a consolidated permit is not included this variation notice must be read in conjunction with your permit document.

### **Offences**

Failure to comply with a Variation Notice is an offence under regulation 38(2) of the 2016 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £50,000 or imprisonment for a term not exceeding 6 months or both; or (ii) to an unlimited fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in the Magistrates or Crown Court.

### **Appeals**

Under regulation 31 and Schedule 6 of the 2016 Regulations operators have the right of appeal against the conditions attached to their permit by a variation notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State/Welsh Ministers given under regulations 61 or 62 or a direction when determining an appeal.

Appeals against a Variation Notice do not have the effect of suspending the operation of the Notice. Appeals do not have the effect of suspending permit conditions, or any of the mentioned notices.

Notice of appeal against a Variation Notice must be given within **two months** of the date of the variation notification, which is the subject matter of the appeal. The Secretary of State/Welsh Ministers may in a particular case allow notice of appeal to be given after the expiry of this period, but would only do so in the most compelling circumstances.

### **How to appeal**

There is no statutory requirement to submit an appeal form, however, you can obtain an appeal form from the address below or it can be downloaded from the [www.gov.uk](https://www.gov.uk) website at: <https://www.gov.uk/government/publications/environmental-permit-appeal-form>. There are no forms or charges for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide the Secretary of State or Welsh Minister with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2016 Regulations):

- written notice of the appeal
- a statement of the grounds of appeal;
- a copy of any relevant application;
- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or dealt with by way of written representations.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for confidentiality under regulation 48 of the 2016 Regulations, and provide relevant details – see below. Unless such information is provided all documents submitted will be open to inspection.

**Regulation 20**

**Where to send your appeal documents**

Appeals should be despatched on the day they are dated, and addressed to:

The Planning Inspectorate  
Environment Appeals Team  
3A Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Or for appeals in Wales:

The Planning Inspectorate  
Crown Buildings  
Cathays Park  
CARDIFF  
CF10 3NQ

You must also send a copy of your appeal to the relevant regulator.

If an appeal is made, the main parties will be kept informed about the next steps, and will also normally be provided with additional copies of each other's representations.

To withdraw an appeal – which may be done at any time - the appellant must notify the Planning Inspectorate in writing and copy the notification to the local authority who must in turn notify anyone with an interest in the appeal.

**Costs**

The operator and local authority will normally be expected to pay their own expenses during an appeal. Where a hearing or inquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6, either the appellant or the authority can apply for costs. Applications for costs are normally heard towards the end of the proceedings and will only be allowed if the party claiming them can show that the other side behaved unreasonably and put them to unnecessary expense. There is no provision for costs to be awarded where appeals are dealt with by written representatives.

**Confidentiality**

An operator may request certain information to remain confidential, ie not be placed on the public register. The operator must request the exclusion from the public register of confidential information at the time of supply of the information requested by this notice or any other notice. The operator should provide clear justification for each item wishing to be kept from the register. The onus is on the operator to provide a clear justification for each item to be kept from the register. It will not simply be sufficient to say that the process is a trade secret. The test of whether information is confidential for the purposes of being withheld from the public register is complex and is explained, together with the procedures, in chapter 8 of the EP General Guidance Manual.

**National security**

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.

**Schedule 2**

Consolidated Permit Reference LDC/CONWAY/P3 follows.