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**Notice of Variation of Permit  
Environmental Permitting (England and Wales) Regulations 2010 (As Amended)  
Regulation 20**

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**To:** Shell UK Oil Products Limited, Shell Centre, London, SE1 7NA

Dudley Metropolitan Borough Council ("the Council") in the exercise of the powers conferred upon it by Regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010<sup>1</sup> (As Amended) ("the 2010 Regulations") hereby gives you notice as follows:

The Council has decided to vary the terms and conditions of the Permit reference **PET/PB/28** granted to you under Regulation 13(1) of the 2010 Regulations (as amended) in respect of the operation of the Installation at:

Shell Sedgley Road, Sedgley Road, Dudley DY1 4LQ

The variation of the terms and conditions of the Permit and the date[s] on which they are to take effect are specified in Schedule 1 to this Notice.

In accordance with Regulation 18(3) a consolidated Permit as varied by this Notice (and by all previous variation notices listed in the "Status Log" to the Permit) is set out in Schedule 2.

**Dated: 20<sup>th</sup> August 2012**

A handwritten signature in black ink, appearing to read "T. Glews", is written over a dotted line.

**Signed:** .....  
**Tim Glews**  
**Environmental Protection Manager**  
**(Authorised to sign on behalf of Dudley Metropolitan Borough)**

**Address for all communications:**  
Directorate of the Urban Environment  
Claughton House  
Blowers Green Road  
Dudley  
West Midlands  
DY2 8UZ

#### 4. Amended Conditions

The following conditions of the Permit shall be amended as described below:

1. Condition 2.6a shall now read:

- (a) the sign shall also refer to the maximum number of tanker compartments which may be unloaded simultaneously, or

2. Condition 3.3 shall now read:

Instances of vapour lock shall be recorded in accordance with Condition 6.3 and under the circumstances detailed in 3.1, be advised to the Council immediately.

3. Condition 3.4 shall now read:

Manhole entry points to storage tanks shall be kept securely sealed except when maintenance and testing are being carried out which requires entry to the tank.

4. Condition 4.9 shall now read:

If the storage tanks or road tanker compartment are dipped after delivery, the dip openings shall be securely sealed immediately after dip testing.

5. Condition 5.1 shall now read:

Petrol delivery and vapour return lines shall be tested prior to commissioning and at least once every 5 years thereafter for vapour containment integrity.

#### ***End of Permit Variations***

*Attached to this Notice is a separate document titled "Guidance for operators receiving a Variation Notice" which does not form part of the Notice. You are advised to read that document and ensure that you fully understand the requirements of the Notice and your rights of Appeal.*



## 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 [www.defra.gov.uk/environment/ppc](http://www.defra.gov.uk/environment/ppc).

### 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(1) (b) of the 2010 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £20,000 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 2010 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 or 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 or 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 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 (see paragraphs 2(1) and (2) of Schedule 6 of the 2010 Regulations):

- the appropriate authority 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

Dudley Metropolitan Borough Council,  
Directorate of the Urban Environment,  
Claughton House,  
Blowers Green Road,  
Dudley  
DY2 8UZ

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