



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

**To: Global Fuel Trading Ltd, 39/40 Calthorpe Road, Edgbaston, Birmingham
B15 1TS**

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 2010¹ (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/51** granted to you under Regulation 13(1) of the 2010 Regulations (as amended) in respect of the operation of the Installation at:

Kings of Sedgley, 318 Wolverhampton Road East, Dudley DY3 1RA

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: 20th August 2012

A handwritten signature in black ink that reads "T. Glews".

**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

SCHEDULE 1

This schedule should be read in conjunction with the Notice of Variation ref: WK/201223225.

The requirements of this variation shall come into effect as detailed below. If no date is indicated below the variation shall take effect immediately.

1. The wording on the front cover and throughout the permit

"ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2000 (AS AMENDED)"

shall be replaced with the wording:

"ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2010 (AS AMENDED)".

2. The Introductory Note to the Permit shall now read as follows:

This Environmental Permit (The Permit) is issued by Dudley Metropolitan Borough Council (the Council) under Regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2010 (As Amended) (S.I. 2010 No.675), to operate an installation prescribed in Part 2 to Schedule 1 of those Regulations, to the extent specified in the conditions of this Permit.

The requirements of this Permit shall be effective from the date of service unless otherwise specified within the Permit. Where a Variation Notice has been served the conditions contained within that Variation Notice shall be effective from the date that the Notice is served, unless a specific implementation date is allocated to specific conditions.

For the purpose of this permit the legal operator of the installation is Global Fuel Trading Ltd, 39/40 Calthorpe Road, Edgbaston, Birmingham B15 1TS. Company registration number: 07697921

3. The Status Log shall now read as follows:

Status Log of the Permit		
Detail	Reference	Date
Environmental Permit issued to Mr. H Nathwani, Kings of Sedgley	PET/PB/51	19 th July 2006
Permit transferred to Global Fuel Trading Ltd	PET/PB/51/WK/201221571	9 th August 2012
Variation Notice issued to Global Fuel Trading Ltd	PET/PB/51WK/201223225	20 th August 2012

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.

Variation Notice Ref: WK/201223225

Environmental Permit Ref: PET/PB/51

SCHEDULE 2

The attached schedule which includes a "Consolidated Permit" should be read in conjunction with the Notice of Variation ref: WK/201223225



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.

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

- 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 2010 Regulations, and provide relevant details – see below. Unless such information is provided all documents submitted will be open to inspection.

Where to send your appeal documents

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

The Planning Inspectorate
Environment Team, Major and Specialist Casework
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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 representation.

Confidentiality

An operator may request certain information to remain confidential, i.e. 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.

Talking to us

Any communication with the Council with respect to this Permit should quote the Permit Reference Number, and should be made to:

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

Telephone: 01384 814685
Fax: 01384 815599
Email: Enviroprotect.DUE@dudley.gov.uk

