

Our ref: Wk/202101078  
Please ask for: Ben Atkinson  
Direct Dial: 01473 432000  
Email: ben.atkinson@ipswich.gov.uk



**IPSWICH**  
BOROUGH COUNCIL

Shell London Road  
Ipswich  
IP2 0DY

Grafton House  
15-17 Russell Road  
Ipswich Suffolk  
IP1 2DE

[www.ipswich.gov.uk](http://www.ipswich.gov.uk)

Tuesday 18<sup>th</sup> May 2021

Dear Sir/Madam,

**Pollution Prevention and Control Act 1999**  
**The Environmental Permitting (England and Wales) Regulations 2010**

I regret to inform you that your head office refused to pay the yearly subsistence fees required for you to operate in the year 2021-22.

As a result, your permit will be suspended on the **1<sup>ST</sup> JUNE 2021** and no activities involving the unloading of petrol at terminals shall occur after this date. You will be required to close all activities relating to your permit and I would advise you to cancel any further deliveries after this date.

You may stay open to sell food and other items sold within your shop.

Please contact your head office to ensure these fees are paid. Once fees are paid the suspension will be lifted.

If, after the date above, you continue to operate any of the activities which have been suspended and the subsistence fee has not been paid, you will be referred for prosecution.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'BA'.

Ben Atkinson  
Public Protection Officer  
Environmental Health – Public Protection



## Suspension Notice for non-payment of Subsistence Charges

EP Permit Ref: PS7/VPA/12/09  
Suspension Ref: wk/202101078

**Ipswich Borough Council**  
**The Environmental Permitting Regulations 2010**  
**Regulation 37 and 65(5)**



To: Shell London Road, Ipswich, IP2 0DY

Under regulation 65 of the Environmental Permitting (England and Wales) Regulations 2010 ("the 2010 Regulations"), we may suspend your environmental permit if you have failed to pay the annual subsistence charge for the permit.

The subsistence charge specified in the scheme for this permit for the period 2021-2022 has not been paid so the Ipswich Borough Council has decided to suspend this permit from the **1st June 2021**.

The sum of £113.00 payable by you for this permit should be paid by **1st June 2021** to avoid suspension. If payment is not made following this period, the Council will consider what further action to take, which may include revocation.

The extent to which this permit is suspended is specified in Schedule 1 to this notice.

**The suspension remains in force until we notify you otherwise in writing.**

Signed on behalf of Ipswich Borough Council:



Ben Atkinson  
Public Protection Officer  
An authorised officer of the Council

Date: 18<sup>th</sup> May 2021

## Suspension Notice Schedules

EP Permit Ref: PS7/VPA/12/09  
Suspension Ref: wk/202101078



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### Schedule 1 (example)

The permit is partially suspended to the extent detailed in the table below:

|   |
|---|
| Activities within the installation for which the permit is suspended: |
| Fully suspended   |

A handwritten signature in blue ink, appearing to read 'Ben Atkinson'.

Signed on behalf of Ipswich Borough Council:

Ben Atkinson  
Public Protection Officer  
An authorised officer of the Council

Date: 18<sup>th</sup> May 2021

# Guidance for Operators receiving a Suspension Notice for non-payment of Subsistence Charges



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(This guidance does not form part of the Suspension Notice, but it is for the guidance of those served with the Notice. Further guidance can be found in the PPC General Guidance Manual.)

## Dealing with a Suspension Notice

This Notice requires you to pay an outstanding charge for the subsistence of your Local Authority Pollution Control Permit.

Failure to comply with the terms of this notice is an offence under regulation 38(3) of the 2010 Regulations.

Operation of the permit relating to this installation has been suspended, either wholly or in part as detailed in the Notice until the amount has been paid and the Notice is withdrawn. It is therefore an offence to continue to operate your installation/mobile plant, to the extent specified in the Notice, until such time as the Notice is withdrawn by the Council.

## Appeals

Under regulation 31(2)(f) of the 2010 Regulations operators have the right of appeal against a suspension notice.

Appeals against a suspension notice do not suspend the operation of the notice. Appeals do not have the effect of suspending the remaining permit conditions where partial suspension has been specified.

Notice of appeal against a suspension notice must be given within **2 months** of the date of the notice. 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 the Secretary of State or Welsh Minister with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2010 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 2010 Regulations, and provide relevant details – see below. Unless such information is provided all documents submitted will be open to inspection. Further guidance on commercial confidentiality can be found in chapter 8 of the PPC General Guidance Manual.

## 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

Or for appeals in Wales:

The Planning Inspectorate  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

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 and 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 proceeding 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.

### **Offences**

The operation of an installation subject to LA-IPPC or LAPPC without the benefit of a permit is an offence under regulation 38(3) of the 2010 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £50,000 or to imprisonment for a term not exceeding 6 months or both; or (ii) to an unlimited fine or imprisonment for a term not exceeding five years or both (regulation 38), depending on whether the matter is dealt with in Magistrates of Crown Court.