

VMP Reference Number: VMP/2022-9001  
Payment Reference Number: VMP/2022-9001

**SCOTTISH ENVIRONMENT PROTECTION AGENCY**

**THE ENVIRONMENTAL REGULATION (ENFORCEMENT MEASURES) (SCOTLAND)  
ORDER 2015**

**VARIABLE MONETARY PENALTY NOTICE**

**To:** Patersons of Greenoakhill Limited, a company incorporated under the Companies Acts (SC054793) and having its registered office at Gartsherrie Road, Coatbridge, ML5 2EU

Notice is hereby given that, in terms of the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 (the Order”), you are liable to pay a Variable Monetary Penalty (“VMP”) of **£6,200.00**. Please refer to the accompanying Calculation to see how the amount has been calculated.

**You are required to pay the VMP in full within 56 days beginning with the day this notice is served on you.**

**or you may pay in instalments by paying the amounts and by the dates specified in the attached schedule. If you wish to pay in instalments, you must complete and return the attached payment plan and provide a receipt confirmation of a standing order in place with your bank within 10 days of the date of this notice.**

The Scottish Environment Protection Agency (“SEPA”) has considered the representations made by you in response to notice of intent with reference number NOI/2021-9005. SEPA’s response to those representations is contained in the attached schedule.

You are liable to pay a VMP because SEPA is satisfied on the balance of probabilities that you have committed a relevant offence prescribed under the Order, namely an offence under Regulation 67(1)(b) of the Pollution Prevention and Control (Scotland) Regulations 2012 (“PPC 2012”) in that on 8, 9, 10, 13 and 15 June 2021, you did fail to comply with a condition of a permit.

Date of offence: 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 13<sup>th</sup>, and 15<sup>th</sup> June 2021

Location of offence: Patersons of Greenoakhill Landfill Site, Hamilton Road, Broomhouse, Glasgow

[REDACTED]

**Grounds for imposing the penalty:**

On 30 March 2007 SEPA granted a Permit to Patersons of Greenoakhill Ltd, (reference number PPC/W/0020046) to operate an installation on a site at Greenoakhill Landfill Site, Hamilton Road, Broomhouse, Glasgow. The Permit was varied in terms of Variation Notices VN01-VN08, and a consolidated Permit was issued on 21 September 2020 (“the Permit”).

Regulation 67(1)(b) of PPC 2012 provides that it is an offence to fail to comply with or to contravene a condition of a Permit.

Condition 2.13.1 of the Permit provides:

“Waste operations shall be carried out so that offensive odours from the Permitted Installation, in the opinion of an authorised SEPA officer, do not become detectable beyond the boundaries of the Permitted Installation”.

SEPA is satisfied that you have failed to comply with condition 2.13.1 of the Permit in that waste operations were being carried out in such a way that offensive odours were detected at locations beyond the boundaries of the Permitted Installation by authorised SEPA officers on 8, 9, 10, 13 and 15 June 2021.

Odour assessments were carried out by authorised SEPA officers on the said dates. The overall offensiveness of the odour was assessed on each occasion with reference to a combination of factors, (the ‘FIDOL’ factors), namely Frequency, Intensity, Duration, Offensiveness and Location.

Details of how to pay, what will happen if you do not pay and how to appeal against this Notice are provided overleaf.

Signed.. [REDACTED]

Date: 10 October 2022

Authorised to sign on behalf of  
The Scottish Environment Protection Agency

[REDACTED]

## How to Pay a Variable Monetary Penalty

Acceptable payment methods are: Personal or Company Cheques, Debit Card, Credit Card, Postal Orders, and BACS.

Card payments can be made via the SEPA "Pay My Account" Service at [www.sepa.org.uk/payments](http://www.sepa.org.uk/payments). You should quote the VMP Reference Number and Payment Reference Number as detailed on the front of this Notice in all communications with SEPA.

To make a BACS payment please email [invoices@sepa.org.uk](mailto:invoices@sepa.org.uk) or call 07388 371 621 for our bank account details or queries.

Cheques and Postal Orders should be made payable to: Scottish Environment Protection Agency and sent to VMP Unit, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ

## Late payment and Non-payment

You must pay the full amount owed within 56 days beginning with the day this notice is served on you or, if agreed with SEPA, the dates specified for payment of that amount in the attached schedule. Failure to pay on time will result in late payment interest on the outstanding amount accruing on a daily basis at a rate of 8% per annum until the date payment is made in full.

**SEPA CAN RECOVER SUMS DUE BUT NOT PAID, TOGETHER WITH ANY LATE PAYMENT INTEREST, IN FULL AS A CIVIL DEBT.**

## Appeals

You can appeal against SEPA's decision to impose the VMP to the Scottish Land Court within 28 days beginning with the date of service of this Notice on the grounds that:

- The decision was based on an error of fact
- The decision was wrong in law
- The amount of the penalty is unreasonable
- The decision was unreasonable for any other reason, or
- any other reason, (with the exception that the Order states that it is not a valid ground of appeal that SEPA failed to comply with the Guidance issued to it by the Lord Advocate under the Regulatory Reform (Scotland) Act 2014).

Your appeal should be made to The Principal Clerk, The Scottish Land Court, George House, 126 George Street, Edinburgh, EH2 4HH. An application form for an appeal can be obtained by contacting the Court on 0131 271 4360 or from the Court's website at <http://www.scottish-land-court.org.uk/using/making-an-application>. It would be helpful if you also sent a copy of your appeal documentation to SEPA, The Registry Department, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ

If you appeal then (unless you withdraw it) you will not have to pay the VMP unless the Scottish Land Court has confirmed that SEPA's decision was correct.



## Queries

Any queries about this Notice should be addressed to SEPA, The Registry Department, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ or by email to [registry@sepa.org.uk](mailto:registry@sepa.org.uk). Please note that entering into correspondence with SEPA does not alter the timescale for submission of an appeal or the date on which payment must be made.

## The Data Protection Act 2018

Any personal data included in this Notice will be processed by the Scottish Environment Protection Agency for the purposes of publication and may be disclosed to the Scottish Government and other public bodies. We may also pass it on to our agents/representatives to act on our behalf in connection with this Notice.

Additional information about how we use personal information in the context of monetary penalties is available in the relevant SEPA Privacy Notice, which can be accessed from our website [www.sepa.org.uk/help/privacy-policy/privacy-notices](http://www.sepa.org.uk/help/privacy-policy/privacy-notices)

Information in relation to penalties will be published and publicised in accordance with SEPA's Policy on Communicating Penalties and Undertakings, which can be accessed from our website.

Please address any questions, comments and requests regarding our data processing practices to [dataprotection@sepa.org.uk](mailto:dataprotection@sepa.org.uk).

