

East Lothian man given £40,000 fine and community payback order for illegal tyre site

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An East Lothian sole trader was fined £40,000 and given a Community Payback Order, to undertake 240 hours of unpaid work, at Edinburgh Sheriff Court on Wednesday 14 March for illegally storing waste tyres.

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Alistair Marshall trading as A. M. Transport pled guilty to depositing and keeping waste tyres on his site at Fenton Barns, Drem, and another site at Annfield Farm, Tranent, without the required Waste Management Licence. The case was investigated by the Scottish Environment Protection Agency (SEPA) and a report was sent to the Procurator Fiscal. Mr Marshall pled guilty at the Intermediate Diet on 12 September 2017 and the Sheriff deferred sentence for a period of time.

Mr Alistair Marshall first came to the attention of SEPA officers in April 2013 when they initially attended his site at Annfield Farm, Tranent. At that time, he was allowed to have 1000 tyres but had greatly exceeded that amount. Later that year Mr Marshall made enquiries about licensing requirements for storing waste tyres and was advised by SEPA, that he would require a Waste Management Licence.

In September 2015, SEPA became aware of Mr Marshall storing tyres at another site in Fenton Barns, East Lothian. Upon investigation, SEPA established Mr Alistair Marshall had been depositing and storing tyres there since 2010. There were estimated to be between 65,000 and 75,000 tyres stored at the site.

SEPA attempted to work with Mr Marshall but despite verbal and written requests for the site to be cleared, Mr Marshall did not comply. An enforcement notice was served, to force him to remove the tyres and he was allowed time to do so. Mr Marshall did not comply and the only option SEPA had was to report the case to the Procurator Fiscal. When the report was submitted the vast majority of the waste tyres remained at the site.

Terry A’Hearn, SEPA’s Chief Executive, said:

“Under SEPA’s One Planet Prosperity regulatory strategy we make

crystal clear that everybody must meet Scotland's environmental laws. Compliance is non-negotiable. We have a good track record of compliance in Scotland but unfortunately we do have some people and businesses that occasionally don't meet those standards. When that's the case it's SEPA's job to make sure such people are held to account.

"We recently had a successful prosecution concluded in which Alistair Marshall trading as A. M. Transport was fined £40,000 and given a 240 hour Community Payback Order. We're very disappointed that the illegal storage of waste tyres took place and that environmental risk was created through this activity, but we're pleased that this company has been held to account.

"We see it as a message to everybody operating in Scotland that if you don't take care of the environment, if you don't pay attention to your environmental responsibilities SEPA is here to make sure that action will be taken. We encourage you to make sure you understand your obligations and carry out your environmental responsibilities in full compliance with the law".

Danielle Smart, SEPA Reporting officer, said:

"SEPA is very clear that compliance with regulations designed to protect the environment is not optional. Waste tyres contain chemicals and other materials that can be harmful to the environment if not disposed of legally. Every day SEPA works to protect and enhance the environment. Depositing and storing waste tyres without a Waste Management Licence is unacceptable and means that controls which minimise the risk of fire and potential risk to the environment are not in place.

"Mr Marshall undercut businesses which operate within the law, diverted waste away from legitimate waste businesses and undermined the regulatory regime. This is unacceptable and we hope that this outcome sends a strong message that SEPA will take enforcement action in line with our enforcement policy against those who persist with such unlawful business practices."

Ends

Notes to editors

The exact charges Alistair Marshall pled guilty to were:

- On repeated occasions between 1 December 2010 and 13 February 2016, both dates inclusive, in or on land at Pole Barns, Fenton Barns, East Lothian and at Annfield Farm, Winton Loan, Tranent you ALISTAIR MARSHALL,

trading as A M Transport, did deposit controlled waste, namely waste tyres on or in said land without the authority of a waste management licence; CONTRARY to the Environmental Protection Act 1990, Section 33(1)(a)&(6) as amended

- On repeated occasions between 1 December 2010 and 26 August 2016, both dates inclusive, at Pole Barns, Fenton Barns, East Lothian and at Annfield Farm, Winton Loan, Tranent you ALISTAIR MARSHALL, trading as A M Transport, did keep controlled waste, namely waste tyres in or on said land otherwise than in accordance with a waste management licence in that you did keep in excess of 1000 waste tyres without the authority of a waste management licence; CONTRARY to the Environmental Protection Act 1990, Section 33(1)(b)(i) and (6)