

# Environment Agency Enforcement Undertaking benefits coalfield charity by £30,000

- Inspectors found excessive amounts of sludge had been spread without notification
- Two other companies issued with Variable Monetary Penalties

The Environment Agency has accepted an Enforcement Undertaking (EU) from a company who spread excessive amounts of sewage sludge on land near Doncaster contrary to the Environmental Permitting (England & Wales) Regulations 2016.

The Environment Agency also issued variable monetary penalties (VMPs) totalling over £10,000 to 2 other companies for breaches of the Nitrate Pollution Prevention Regulation 2015.

The EU has been agreed after Sanderson Environmental Ltd were found to have breached conditions of their environmental permits for 2 fields at Highwood Farm, near Rossington, Doncaster. This follows an investigation which began in 2017.

The company, who operated on the land, have paid costs of £8,137.36 and have made a donation of £30,000 to the Land Trust, a registered charity which works to improve former coalfield sites across Yorkshire.

When officers from the Environment Agency inspected the farm to check compliance with environmental permits they found that excessive amounts of sludge had been imported.

They also found that spreading had occurred to land on a large scale without notification to the Environment Agency. Enquiries revealed that the sewage sludge had not been treated prior to spreading.

When challenged by Environment Agency officers the company eventually stopped operating and all remaining stockpiled sewage sludge was removed. A crop of contaminated peas planted in error by the landowners was destroyed.

Two companies who own the fields in question were issued with VMPs for breaches of the Nitrate Pollution Prevention Regulation 2015.

Sutcliffe Farmers Limited paid £7,521.54 and Senviro Limited paid £2,507.73, with each also paying costs of £8,137.63. A VMP is a proportionate monetary penalty for the more serious cases of non-compliance.

A spokesperson for the Environment Agency said:

We take our responsibility to protect the environment very seriously. Where there is evidence, the Environment Agency uses a

full range of enforcement options.

Enforcement Undertakings allow businesses who fail to comply with legal requirements or pollute the environment to come into compliance.

The Environment Agency is increasingly using this method of enforcement where there is opportunity to restore and improve the environment, change behaviour and improve practices of the offender.

We rely on communities to report pollution and environmental issues to us, and urge people to report issues to us on our 24 hour incident hotline on 0800 80 70 60.

Euan Hall, the chief executive for The Land Trust, said:

This award has made a huge difference to the sites on our South Yorkshire portfolio.

We have already been able to deliver a number of projects which have been of huge benefit to the communities that live and work around our sites.

We are very pleased to have been able to help the Environment Agency undo some of the damage that had been done and make improvements that will benefit the local area for the long-term.

## **Notes to editor**

### **What is an enforcement undertaking (EU)?**

An EU is available to the Environment Agency as an alternative sanction to prosecution or monetary penalty for dealing with certain environmental offences.

It is a legally-binding voluntary agreement proposed by a business (or an individual) when the EA has reasonable grounds to suspect that an environmental offence has occurred.

EUs for environmental offences were introduced under the Environmental Civil Sanctions (England) Order 2010 and the Environmental Civil Sanctions (Miscellaneous Amendments) (England) Regulations 2010.

### **Why use enforcement undertakings?**

- businesses will voluntarily secure compliance now and in the future, without attracting a criminal record
- the environment, local community and those directly impacted by the offending can benefit through actions being offered in an EU

- they allow us to deal with the less intentional and polluting offending in a more proportionate way than prosecution through the criminal courts
- EUs go beyond the bare minimum needed for a business to comply, as shown in the list of accepted EUs we publish on our website

### **How can businesses benefit from enforcement undertakings instead of prosecution?**

Accepting an EU is always at the discretion of the EA. But if accepted replaces the need for an alternative sanction, such as prosecution or monetary penalty.

The EA has produced guidance and standard forms to help those wishing to make offers.

However, we expect responsible businesses to co-operate and seek our advice at an early stage, as we are more likely to accept EUs which have been offered early or proactively.

When offering an EU, businesses must accept responsibility for the offending.

They must also include actions which will stop offending, ensure future compliance and protect any harm/damage.

They must also make a financial contribution towards a suitable environmental project.

### **What is a variable monetary penalty (VMP)?**

A VMP is a proportionate monetary penalty for the more serious cases of non-compliance.

### **How much is a VMP?**

The maximum amount for any VMP is £250,000 for each offence. The exact amount is calculated using the methodology in Annex 1 of our Enforcement and Sanctions Policy.

### **When can VMPs be used?**

A VMP can be used in the following situations:

- when there is evidence of negligence or mismanagement
- when there is an environmental impact
- to remove an identifiable financial gain or saving as a result of the breach
- where it is not in the public interest to prosecute

### **What happens to the money once the VMP has been paid?**

The money is transferred to Her Majesty's Treasury – the Environment Agency does not keep the money to fund its own activities or have a say in how the money is used. The Environment Agency is however, able to recover its costs,

using an Enforcement Cost Recovery Notice.