

# Government response: Clinical waste operator breaches environmental permits

Healthcare Environmental Services, which services the NHS and operates six sites across England, has been found in breach of environmental permits by the Environment Agency (EA) .

The Department of Health and Social Care (DHSC) is leading on the government response whilst the EA is taking enforcement action against the operator.

An Environment Agency spokesperson said:

The Environment Agency has found Healthcare Environmental Services to be in breach of its environmental permits at sites which deal with clinical waste. We are taking enforcement action against the operator, which includes clearance of the excess waste, and have launched a criminal investigation.

We are supporting the Government and the NHS to ensure there is no disruption to public services and for alternative plans to be put in place for hospitals affected to dispose of their waste safely.

## **Further briefing:**

- The Environment Agency has found Healthcare Environmental Services in breach of its environmental permits at 4 of its 6 sites which deal with clinical waste – by having more waste on site than their permit allows and storing waste inappropriately.
- We are taking enforcement action against the operator to clear the excess waste from their sites and bring the company back into compliance with their permits.
- As part of our enforcement activity, we have partially suspended the company's permit at one of their sites. This will prevent them from accepting any more incinerator-only waste in order for them to clear the backlog of waste on-site. We are also progressing with enforcement action at the other non-compliant sites.
- We are supporting the government and the NHS to ensure there is no disruption to public services and alternative plans are put in place for hospitals affected to dispose of their waste safely.

- The offending sites are not accessible to the general public and there is no risk to public health or the environment.
  - It is the company's responsibility to clear its sites and operate legally. As the regulator, we have set out a timeline for clearance of the waste and are carrying out regular inspections at each of the company's sites to monitor the situation.
  - There is industry wide agreement that overall there is sufficient incineration capacity. Incinerator shutdowns do occur for maintenance, but this is mostly planned and companies should have contingency plans in place. We have recently carried out an audit of permitted sites dealing with clinical waste which indicate a high level of compliance in this sector – the majority of sites are operating at the expected level or above.
  - The Environment Agency has taken a range of action with the company to bring their sites back into compliance but they have repeatedly breached permits and continued to operate unlawfully. As a result, in addition to our enforcement activity to clear the sites, the EA has launched a criminal investigation.
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## **Government response: Clinical waste operator breaches environmental permits**

Environment Agency responds to permit breach

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## **Press release: RSPB to host flood scheme information evening on 11 October**

Environment Agency staff have teamed up with RSPB Sandwell Valley and local RSPB volunteer, Andy Purcell, to present further information about Phase 2 of

the Perry Barr and Witton Flood Risk Management Scheme.

Attendees are invited along to RSPB at Tanhouse Avenue, from 5pm, where they will have the opportunity to see how the Environment Agency is progressing with the construction work in Sandwell Valley Country Park. Guests will be treated to a presentation by Andy, who has captured drone images of work since construction started.

Following the presentation, Environment Agency staff will highlight progress to date and next steps, followed by a Question and Answer Session at the end.

Josh Harris, Environment Agency project lead for the scheme said:

We have been working closely with our partners and the local community, to ensure that we keep everyone informed. The drone footage will provide a very interesting aspect to the information we give, and we look forward to speaking to people and listening to any feedback that they may have to offer.

Cathy Taylor, Site Manager at RSPB Sandwell Valley said:

We are looking forward to the Environment Agency sharing project updates with our team and the public at the RSPB Sandwell Valley visitor centre. Our volunteers are interested to hear what has been happening recently and the plans for what is coming up for the flood scheme. We are also looking forward to showing the Environment Agency our newly improved marsh as this work was made possible thanks to their supporting it as an environmental improvement associated with the Perry Barr and Witton Flood Risk Management Scheme.

If you are unable to attend the event, but would like more information about the Perry Barr and Witton Flood Risk Management Scheme, please visit [our webpage](#) or contact the Environment Agency project team at [witton.frms@environment-agency.gov.uk](mailto:witton.frms@environment-agency.gov.uk).

Along with flood defences and flood management schemes, knowing your flood risk is also important when protecting your family and property from flooding. People can check their risk and register to receive free flood warnings by visiting the [Environment Agency flood information pages](#) or calling Floodline on 0345 988 1188.

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## [Press release: RSPB to host flood scheme information evening on 11 October](#)

You are invited to hear more about the £32m project in Perry Barr and Witton, reducing flood risk for 1,400 properties.

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## [Press release: Environment Agency prosecutes Great Chart Golf & Leisure](#)

Brothers Grant and John Kay and the Hauliers Mark Luck from Mark Luck Limited and Robert Body from Robert Body Haulage Limited were prosecuted for the illegal deposit of waste at Great Chart Golf & Leisure, Great Chart, Ashford, Kent.

Mark Luck was fined £40,000 with £4,036 costs and £170 victim surcharge. Robert Body was fined £26,000 with £2,952 costs and £170 victim surcharge. Grant and John Kay were individually fined £325 with Grant Kay having to pay £4,723 costs and £32 victim surcharge and John Kay paying £2,724 costs and £32 victim surcharge.

Sevenoaks Magistrates heard that the brothers were paid by a number of hauliers to deposit waste soil to create bunds around their driving range, build a zorbing ramp and raise an area of ground outside the terms of 3 U1 exemptions that had been registered with the Environment Agency. Only one of these exemptions may be registered on a site in a 3 year period and allows the use of only up to 1,000 tonnes of clean waste soil in a small scale construction scheme.

To import more than 1,000 tonnes of soil the operators should have obtained an environmental permit from the Environment Agency. These permits require operators to put in place stringent measures to ensure the suitability of the waste that is deposited and minimise the impact from the activities on the land and the surrounding land users.

An Environment Agency investigation identified that 2,157 lorry loads of waste soil had been deposited on the site between 2012 and 2015, which could have equated to 42,000 tonnes, significantly exceeding the 1,000 tonne limit. The haulier Mark Luck Limited had deposited 1,292 loads and Robert Body Haulage Limited 715 loads during this timeframe.

The court heard that all 4 parties were fully cooperative with the

Environment Agency's investigation and pleaded guilty at the earliest opportunity. The court accepted that the brothers had limited knowledge of the waste industry but that the hauliers, both of whom have a long history in the business, should have known better than to deposit large volumes of waste on the site.

Environment Manager Alan Cansdale said:

The Environment Agency support the use of U1 exemptions for those who wish to use small quantities of clean waste in construction projects. We will not tolerate however the deposit of excessive volumes or inappropriate waste for financial gain under the terms of this authorisation.

While we will work closely with businesses to help them comply with such legislation, in cases where individuals consistently operate illegally and in this case outside the terms of an exemption, we have no hesitation in prosecuting them.

## **Notes to editors**

The charges brought by the Environment Agency were:

- Mr Grant Kay: Contrary to Regulation 12(1)(a) and 38(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010
- Mr John Kay: Contrary to Regulation 12(1)(a) and 38(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010
- Mr Mark Luck: Contrary to section 33(1)(a) and (6) of the Environmental Protection Act 1990, as amended
- Mr Robert Body: Contrary to section 33(1)(a) and (6) of the Environmental Protection Act 1990, as amended