

Press release: Northumberland fire starter fined

A man who deliberately set fire to buildings on his land to avoid demolition costs has been sentenced to 10 months imprisonment, suspended for 18 months, and ordered to pay over £24,000 in fines and costs after a successful prosecution by the Environment Agency.

The flames from the blaze took fire rescue services four hours to extinguish and the distraction also caused two motorists on the nearby A1 to crash.

Nigel Weston Smith (63), owner of Whittle Colliery in Shilbottle, Northumberland, was charged with waste offences at Newcastle Crown Court on 14 May, 2018. He was sentenced to 10 months imprisonment, suspended for 18 months, fined £14,000 and ordered to pay £10,745.45 costs.

The court heard that Smith, constructed a two storey building at Whittle Colliery without planning permission and was ordered by Northumberland County Council (NCC) to demolish it.

After receiving a fine of £3,000 and a further NCC enforcement notice to remove the building, Smith decided to burn the building rather than pay to have it demolished.

In March 2014 he offered the site as a training venue to Northumberland Fire & Rescue Service (NFRS), suggesting the building could be set on fire. When NFRS rejected the offer on the grounds that the fire would be too big, it was not a controlled environment and there was inadequate water supply, Smith decided to burn it illegally.

On 5 March he advised NFRS that he was demolishing a large cabin and would burn timber and waste in small amounts. NFRS received three separate reports from members of the public concerned about the fire.

Smith called NFRS again on 20 March saying he intended to burn wood and timber from parts of a building. He stated he lived on site, had adequate water supply and he would not burn if the wind was blowing in the direction of the A1.

At 8.30 that evening, two motorists driving northbound on the A1 were distracted by flames and smoke from a large fire. Both were injured in a collision as the first slowed to call 999 and the second collided into the rear of the first.

It took NFRS four hours to extinguish the fire, which produced a significant amount of smoke raising concerns that the fire would spread. Smith had fled the scene.

Smith was described by Judge Robert Spragg as 'breathtakingly arrogant' by ignoring repeated requests from planning officers to remove the building. He

added that Smith only escaped an outright custodial sentence by a narrow margin.

In mitigation, Smith stated that the remains of the building had now been removed at his own cost and that he regrets his actions.

Rachael Caldwell, Environment Agency, said:

Smith showed complete disregard for environmental laws because he wanted to cut corners and save himself the cost of demolishing a building legally – a building that shouldn't have been there in the first place. It is fortunate that no one was killed by his recklessness. We're pleased with the result of this case and hope this sends a message to anyone out there that thinks they can circumnavigate environmental laws, especially in such a dangerous manner.

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Open consultation: Air quality: non-road mobile machinery and red diesel –

[call for evidence](#)

Updated: Corrected link for responding online.

In order to improve air quality, particularly in our towns and cities, we are publishing a call for evidence into whether red diesel for non-road mobile machinery discourages the purchase of cleaner alternatives.

Red diesel for agricultural use will be out of scope, as will fishing vessels, home heating and other static uses.

[Open consultation: Vehicle Excise Duty for vans](#)

To incentivise van drivers to make the cleanest choices, we are publishing a consultation on reforming Vehicle Excise Duty (VED) for new vans. Van VED is currently charged at a flat rate, no matter the vehicle's emissions. The consultation explores creating a graduated first year rate for new vans, as is already in place for cars.

[News story: New tax measures to improve air quality](#)

People living in our towns and cities have a fundamental right to breathe clean air, Exchequer Secretary Robert Jenrick said today (15 May 2018), as he unveiled further plans to clamp down on pollution in urban areas.

The government has launched a [consultation on vehicle excise duty for vans](#) so drivers can be incentivised to go green. Less than one in every two hundred vans (0.4%) bought in 2016/17 was an ultra-low emission model. Therefore, ministers are seeking views on reforms to vehicle excise duty, currently charged at a flat rate of £250 for all vans, to make it more affordable to buy greener models.

A separate [call for evidence](#) is looking at whether the reduced duty rate for red diesel is holding back the use of cleaner fuels by non-road vehicles and machinery in towns and cities – for example cranes or generators used on

construction sites. Red diesel, which accounts for 15% of all diesel consumption in the UK, currently benefits from a reduced rate of 11.14p per litre compared to the standard charge of 57.95p. The [call for evidence](#) excludes red diesel used for agricultural purposes and for fishing vessels.

These measures follow up on the Chancellor, Philip Hammond's [recent Budget announcements](#) – including the £220 million Clean Air Fund – which are aimed at improving air quality in the UK. They also form part of the government's [25-year Environment Plan](#).

Exchequer Secretary to the Treasury, Robert Jenrick, said:

We want to be the first government to leave the environment in a better state than we found it. One of the ways we can do this is by using the tax system to help drivers afford greener choices.

We want to help 'white van man' go green. We appreciate that buying a new van is a major investment for small businessmen and women and want to help make environmentally friendly choices more affordable.

Public health is at risk due to the use of red diesel in towns and cities. So we are looking at how we can level the playing field on red diesel and exploring how we can encourage users to ditch it.

Environment Secretary Michael Gove said:

Air pollution remains a significant threat to public health and everyone must play their part tackling its causes.

We will shortly build on our £3.5 billion plan to tackle roadside emissions, publishing a comprehensive Clean Air Strategy setting out a wide range of actions to reduce pollution from all sources.

Businesses have a crucial role in this. That's why today we are setting out plans to make low emission vans more affordable and asking businesses how we can help them break down the barriers to the use of lower emission machinery.

Further information:

- Currently vehicle excise duty for vans remains at a flat rate of £250 no matter what type of vehicle. This consultation will look at changing this duty to encourage drivers to choose cleaner vans when purchasing a new van.
- It will explore creating a graduated first year rate for vans, as is already in place for cars. Most van purchases would pay less tax in the first year as a result of the change.
- Around 75% of vans purchased in 2016-2017 emitted over 150g/km of CO₂, while only 0.4% of vans purchased that same year were ultra-low emission

vehicles.

- Red diesel contributes to air pollution by producing nitrogen dioxide, a toxic gas that inflames the lining of the lungs. It is particularly harmful for the most vulnerable in our society, such as children with asthma, who live in urban areas where it is used by non-road vehicles and machinery.
- The reduced rate costs around £2.4 billion a year in revenue compared to if duty was charged at the main rate and today's call for evidence is seeking information on whether this tax relief discourages the use of cleaner alternatives by non-road vehicles and machinery.
- Red diesel for agricultural use, fishing vessels, home-heating and other static generators, will be out of scope.