

Press release: Waste offender prosecuted in Blackburn

A Director of a former Lancashire waste plastics recycling business has been sentenced to 8 months in prison, suspended for two years, and ordered to complete 120 hours of unpaid work after his company breached its environmental permit, failed to comply with enforcement notices and continued to deposit waste despite suspension and subsequent revocation of its permit.

David Holt, 50, of Brockhall Village, Blackburn, was sentenced on Thursday, 04 January 2018 at Preston Crown Court after admitting three environmental offences relating to the operation of the former V10 Polymers Ltd waste plastics recycling business at Rockcliffe Works, Paterson Street, Blackburn.

The Environment Agency became aware of problems at the site in 2012 after complaints from members of the public. At that time, V10 Polymers Ltd was operating a waste plastics recycling business from the Rockcliffe Works site.

Due to concerns about the way the site was being operated, the Environment Agency served a formal notice requiring the company to remove all controlled waste from the site. It also advised the company to apply for an environmental permit if it wished to continue waste operations at Rockwell Works.

The Environment Agency made clear that any permit issued would require storage of combustible waste at the site to be improved and meet minimum fire prevention standards.

David Holt made an application for a permit for the site and included detailed proposals as to how the waste would be stored in the future to meet the requirements of the permit. The Environment Agency issued an environmental permit to V10 Polymers Ltd in response to this application.

However, the first inspection of the facility following the issue of the permit in April 2014 revealed excessive quantities of plastic waste stored in a manner that presented a fire risk and in breach of the company's environmental permit.

Due to the Environment Agency's concerns about the fire risk, a number of joint inspections were undertaken with Lancashire Fire and Rescue Services.

The Environment Agency sought to work with Mr Holt, who was in day to day charge of the company's operations, to bring about improvements in the storage arrangements and implement a mandatory fire prevention plan at the site. However, Mr Holt failed to adequately respond to those interventions.

This led the Environment Agency to revoke the site's environmental permit from February 2016, further requiring the company to take steps to remove all remaining waste from the site by 21 March 2016.

The Environment Agency decided to prosecute after the company continued to illegally operate, despite the revocation of its permit, and failed to tackle the fire risk posed by excessive stockpiles of waste.

Environment Agency Officer, Karl Hunter said:

The operators of waste recycling facilities have a legal duty to comply with the requirements of their environmental permit to prevent the risk of harm to people and the environment.

In this case, David Holt deliberately stored an excessive quantity of combustible waste for a number of years without taking the necessary fire prevention measures. He failed to implement a fire prevention plan and repeatedly failed to act on notices served by the Environment Agency to do so. Even when the Environment Agency revoked the company's permit, he continued to accept waste into the site, illegally.

The fire at the site on 21 August 2017, and three subsequent fires have had a significant impact on local residents and businesses and demonstrated that our concerns were well-founded. In September 2017 we used our emergency powers to create fire breaks within the waste, which significantly reduced the size and duration of subsequent fires. Had David Holt produced and complied with an adequate fire prevention plan, installing fire breaks within the waste, it would have greatly reduced the consequences of fires at the site.

We hope the court's sentencing decision demonstrates the importance of companies adhering to their environmental permits.

On hearing mitigation on David Holt's behalf, the court accepted that David Holt had not been a fly by night operator and had been working hard to try and maintain the business and those employed by it. The court also acknowledged his good character and contribution to his local community.

V10 Polymers Ltd and the previous site owner, Holt Developments Ltd, are now both in liquidation and the site has been sold to Driftdale Limited, an Isle of Man based property development company.

The new owner is responsible for ensuring that waste is removed from the site and correctly disposed of. The Environment Agency is working with Driftdale Ltd and our partner organisations to ensure this is completed as soon as possible. The new owners must also take all necessary steps to prevent fire until waste is removed from the site and the company has constant manned security to minimise the risk of further fires.

If you witness suspicious activity or a fire at the site, please call the emergency services. Environmental incidents should be reported to our incident hotline on 0800 80 70 60.

Mr Holt was also ordered to pay £10,000 towards the Environment Agency's costs.

[Notice: Longthorp \(Kilpin\) Limited: application made to abstract water](#)

The Environment Agency consult the public on certain applications for the abstraction and impoundment of water.

These notices explain:

- what the application is about
 - which Environment Agency offices you can visit to see the application documents on the public register
 - when you need to comment by
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[News story: More than 100 lorry operators caught deliberately damaging air quality](#)

In August 2017, DVSA started to include checks for emissions cheat devices in roadside checks of lorries at 5 locations across Great Britain.

By the end of November 2017, DVSA examiners had searched 3,735 lorries at these locations and found 293 lorries with a cheat device fitted.

The drivers and operators were given 10 days to fix the emissions system, or face a £300 fine and having the vehicle taken off the road.

Where a driver or operator repeatedly offends, DVSA can take the vehicle off the road immediately.

Where the vehicle was registered	Percentage of vehicles without a cheat device	Percentage of vehicles with a cheat device	Total
Great Britain registered	91.5%	8.5%	100%
Northern Ireland registered	79.6%	20.4%	100%
Registered outside the UK	95.1%	4.9%	100%

Where the vehicle was registered	Percentage of vehicles without a cheat device	Percentage of vehicles with a cheat device	Total
Total	92.2%	7.8%	100%

How cheat devices damage air quality

Cheat devices cut the cost of operating, but give false emissions readings which can result in the release of excessive emissions into the atmosphere.

Some of the way this is done include:

- using devices designed to stop emissions control systems from working
- removing the diesel particulate filter or trap
- using cheap, fake emission reduction devices or diesel exhaust fluid
- using illegal engine modifications which result in excessive emissions
- removing or bypassing the exhaust gas recirculation valve

Checking more than 100 operators' fleets

Following the roadside checks, DVSA examiners are inspecting more than 100 operators' vehicle fleets for emission cheat devices. Some of the companies being inspected operate up to 80 vehicles.

DVSA is passing its findings on to the Traffic Commissioners for Great Britain, who have the power to take away an operator's licence.

Working with EU agencies to deal with polluters

DVSA is also working with its counterpart agencies across Europe to make sure that all offences committed by hauliers from outside Great Britain are dealt with in the country they're based.

Following the success of this operation, DVSA will start checking for emissions cheat devices at more locations across Great Britain from Spring 2018.

Damaging air quality and risking public health

Poor air quality is the largest environmental risk to public health in the UK.

It's known to have more severe effects on vulnerable groups, for example, the elderly, children and people already suffering from pre-existing lung and heart conditions.

The government is committed to taking action against poor air quality. The checks support the government's [plan for reducing roadside nitrogen dioxide concentrations](#).

This includes looking at ways to reduce emissions produced by vehicles,

including those used commercially.

Protecting you from unsafe drivers and vehicles

Gareth Llewellyn, DVSA Chief Executive, said:

DVSA's priority is to protect you from unsafe drivers and vehicles.

We are committed to taking dangerous lorries off Britain's roads. Stopping emissions fraud is a vital part of that.

Anyone who flouts the law is putting the quality of our air and the health of vulnerable people, at risk. We won't hesitate to take action against these drivers, operators and vehicles.

Richard Turfitt, Senior Traffic Commissioner, said:

Traffic Commissioners welcome the steps being taken by the enforcement agency to identify emissions cheats.

Use of these devices threatens to undercut responsible and compliant operators as well as damaging the environment and public health.

Traffic Commissioners will look to take action wherever an operator seeks an unfair and illegal advantage over the rest of industry.

[Notice: S024 9DZ, Bakkavor Foods Limited: environmental permit application advertisement](#)

Updated: The date to submit comments by has been extended to 15 February 2018.

The Environment Agency consults the public on certain applications for waste operations, mining waste operations, installations, water discharge and groundwater activities. The arrangements are explained in its [Public Participation Statement](#)

These notices explain:

- what the application is about
- which Environment Agency office you can visit to see the application documents on the public register
- when you need to comment by

The Environment Agency will decide:

- whether to grant or refuse the application
- what conditions to include in the permit (if granted)

[Research and analysis: R090 – Non-licensable activity impacts on Marine Protected Areas](#)

Updated: Detail updated

Details

Requirement R090

The MMO has an obligation under the Marine and Coastal Access Act 2009 to further the conservation objectives of MPAs, including using its byelaw making powers and marine planning policy to directly or indirectly manage unlicensed activities.

MMO use

Marine Conservation Team (MCT): to provide data to underpin MPA site level assessment to ensure that MCT can accurately assess impacts to MPAs. This will assist MMO in its role to “best furthering/least hinder” conservation objectives.

External interest

Natural England, Centre for the Environment, Fisheries and Aquaculture Science, Joint Nature Conservation Committee, Department for the Environment,

Food and Rural Affairs