

# [Press release: Jail and suspended sentences for permit breaches that led to fire](#)

Corporate officers working for Nottinghamshire Recycling Limited (NRL) and 2 who worked for Park Farming Limited (PFL) have been sentenced today (Monday 30 October 2017) in Sheffield Crown Court after breaching environmental permits at 3 sites in Worksop, Nottinghamshire, and Kiveton and South Anston in South Yorkshire.

The environmental offences committed helped maximise the companies' financial gain at the expense of the environment, and led to a series of fires on 1 of NRL's sites at Shireoaks Road in Worksop in 2013 and 2014.

## **Repeat offenders**

All 3 sites were operated illegally despite the fact that NRL had previously been convicted in 2011 for offences it had committed at Shireoaks Road.

Kevin Malcom Burgess of Manton Forest Farm, Worksop, Warren Richard Steele of Drury Lane, Doncaster, David Vincent Berry of Orchard Court, South Normanton, Edward Charles Freeman of Stephen Hill, Sheffield, Martin Crowther of Chapel Rise, Anston, Sheffield and Peter Charles Sanderson of Peak Close, Bramley, Rotherham, were sentenced on Monday 30 October 2017 at Sheffield Crown Court.

Defendants linked to NRL continued to act illegally after the company had previously been convicted in 2011. Documents discovered during the course of the Environment Agency's investigation clearly demonstrated that company officers were fully aware that the sites were being operated illegally.

## **Risk to human health**

Prosecuting on behalf of the Environment Agency, Chris Badger told the court that NRL and PFL repeatedly operated outside the terms of their environmental permits for financial gain. He added that NRL officers created significant risk to the environment and harm to human health. Among other permit breaches, waste was stored in huge quantities outside of the businesses' permitted areas. Waste was blended at both the Worksop and Kiveton site in an attempt to avoid higher rates of landfill tax.

The company paid no heed to repeated warnings about the illegal storage of waste at all 3 sites, and the fire risks at Worksop. The defendants' conduct resulted in 5 fires at NRL's Worksop site during 2013 and 2014.

Large stockpiles of various waste deposited illegally by the companies at the 3 sites still remain and continue to have an environmental impact. Both NRL and PFL entered administration during the period of the investigation. They

have since gone into liquidation.

## **'Deliberate', 'negligent' and 'reckless'**

His Honour Judge Robert Moore said that the conduct of four of the companies' directors in breaking the law had been deliberate, while a fifth had acted negligently. The actions of a site manager were judged to have been reckless in aiding and abetting the offending that took place at Kiveton and South Anston.

In mitigation, the judge noted that all defendants had pleaded guilty to the charges that they faced and applied an appropriate reduction to their sentences. He also commented that the defendants had not made personal financial gain as a result of the offences. All 6 defendants were of previous good character.

The sentences imposed by the judge were as follows:

1. Kevin Burgess – 21 months' immediate custodial sentence. Disqualification from being a director for 7 years.
2. Edward Freeman – 8 months' custody suspended for 2 years with a requirement to perform 150 hours of unpaid work. Contribution towards prosecution costs of £5,000.
3. Warren Steele – 6 months' custody suspended for 2 years with a requirement to perform 100 hours of unpaid work. Contribution towards prosecution costs of £5,000.
4. Peter Sanderson – 8 months' custody suspended for 2 years with a requirement to perform 150 hours of unpaid work. Contribution towards prosecution costs of £5,000.
5. Martin Crowther – 12-month community order with a requirement to perform 80 hours of unpaid work. Contribution towards prosecution costs of £1,500.
6. David Berry – 12-month community order with a requirement to perform 100 hours of unpaid work. Contribution towards prosecution costs of £5,000.

Commenting after the hearing, Environment Agency Waste Regulatory Specialist Iain Regan said:

This was a large and complex investigation, and one in which Nottinghamshire Recycling Limited at various stages deliberately attempted to mislead us as the regulator. Companies like NRL distort the waste market by unfairly undercutting legitimate waste businesses, making it difficult for compliant firms to compete. This causes erosion of the legal waste sector and standards, resulting in an industry which is vulnerable to domination by illegal operators who have no concern for protecting the public or the environment.

We hope this case assures the legitimate waste industry and the public that we will investigate businesses who deliberately or recklessly flout the law, and that the sentences passed today send

a clear message that behaviour as exhibited by NRL, PFL and their management is unacceptable. □

The EA has brought this case to a successful outcome by dedicated hard work and professionalism.

## Offences

1. Operating a regulated facility except under and in accordance with an environmental permit, contrary to Regulations 38(1)(a) and 41(1) of the Environmental Permitting (England and Wales) Regulations 2010 – Kevin Burgess, Warren Steele, David Berry, Edward Freeman and Peter Sanderson. Worksop offence.
2. Keeping controlled waste in a manner likely to cause pollution of the environment or harm to human health, contrary to Sections 33(1)(c), 33(6) and 157 of the Environmental Protection Act 1990 – Kevin Burgess, Warren Steele, David Berry and Edward Freeman. Worksop offence.
3. Operating a regulated facility except under and in accordance with an environmental permit, contrary to Regulations 38(1)(a) and 41(1) of the Environmental Permitting (England and Wales) Regulations 2010 – Kevin Burgess, Warren Steele, David Berry and Edward Freeman. Martin Crowther, at the same place and time, did aid, abet, counsel and procure those persons to commit the said offence. Kiveton offence.
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## **Official Statistics: Energy Performance of Buildings Certificates in England and Wales: 2008 to September 2017**

Information about certificates on the energy efficiency of domestic and non-domestic buildings in England and Wales that have been constructed, sold, or let since 2008, and of larger public authority buildings since 2008. These statistics do not cover the entire building stock across England and Wales.

Figures are drawn from 2 datasets on the Energy Performance of Buildings Registers:

- Energy Performance Certificates (EPCs) for domestic and non-domestic properties covering England and Wales

- Display Energy Certificates (DECs) for larger buildings occupied by public authorities in England and Wales.

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## **Research and analysis: Working with natural processes to reduce flood risk**

*Updated:* The Evidence Directory report was updated in February 2018. The alterations include updates to the wording in Figure 1.3, additional references to literature on fluvial audits, and greater cross-reference to the Brackenhurst case study.

Working with Natural Processes (WWNP) to reduce flood and coastal erosion risk (FCRM) involves implementing measures that help to protect, restore and emulate the natural functions of catchments, floodplains, rivers and the coast. WWNP takes many different forms and can be applied in urban and rural areas, and on rivers, estuaries and coasts.

There has been much research on WWNP, but it has never been synthesised into one location. This has meant that it has been hard for flood risk managers to access up-to-date information on WWNP measures and to understand their potential benefits.

The outputs can be used by those planning projects which include WWNP measures to help understand:

- their potential FCRM benefits and multiple benefits
- any gaps in knowledge
- where it has been done before and any lessons learnt
- where in a catchment they might be most effective

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## **News story: Funding available in England towards replacing fishing vessel engines**

The Marine Management Organisation (MMO) has made a number of changes to the EMFF scheme to make sure it continues to provide maximum possible benefit to the fishing sector and associated communities. This includes gathering

feedback from the fishing industry and representative bodies as to where financial assistance would be of most use.

A significant development is that funding is now available towards the replacement of engines on fishing vessels. Other changes include to some funding thresholds. Full details are available on the [MMO website](#).

Michelle Willis, MMO Chief Finance Officer, said:

“We are committed to ensuring that the EMFF scheme meets the needs of the people it is designed to serve and we regularly use stakeholder feedback to refine and improve the scheme. These changes are further evidence of that commitment.

“The changes we have made will allow fishermen to apply for funding to upgrade their engines, which will improve reliability, reduce running costs, provide safety benefits and also reduce the impact on the environment. The amendments to increase funding thresholds in a number of areas should also help strengthen the fisheries sector and be of significant benefit to the industry as a whole.

“I would urge people to visit the MMO website to learn about the changes, see if they can now benefit from EMFF funding and submit an application or expression of interest to us.”