

[Press release: West Midlands company director handed penalty by court for waste offences](#)

On 16 February 2017, Jaskaran Bhandal, Director of Oakham Environmental Waste & Recycling Ltd, Oak Farm, Kingswinford, West Midlands pleaded guilty at Wolverhampton Magistrates' Court to 1 count of failing to remove waste from the site, and 1 count of operating a waste site without an authorised environmental permit.

Mr Bhandal was fined £1,332, ordered to pay £3,265 in costs, along with a £120 victim surcharge and disqualified from being a company director for 5 years.

The charges were brought by the Environment Agency under Section 59(5) and 157 of the Environmental Protection Act 1990 and contrary to Regulations 12(1)(a) and 38(1)(a) and 41 (1)(b) of the Environmental Permitting (England and Wales) Regulations 2010.

Environment Agency Officers had been working with Oakham Environmental Waste & Recycling Ltd to bring the site into compliance under their environmental permit until it was revoked. This decision was upheld at an appeal made to the Planning Inspectorate, and the company was ordered to remove all the waste from the site by 2 July 2014.

Officers visited the site in November 2015 and saw that significant amounts of new waste had been deposited at the site. Officers made a number of enquires and determined that the waste had been deposited by Oakham Environmental Waste & Recycling Ltd, after their permit had been revoked.

Officers served a Notice to Oakham Environmental Waste & Recycling Ltd in May 2016 to remove all the illegally deposited waste by 19 November 2016. Officers visited the site on 22 November 2016 and noted some attempts had been made to remove the waste but the vast majority remained in situ.

Mr Bhandal was interviewed and admitted to knowing the site did not hold the relevant permits to carry out the work undertaken, he also accepted he was unable to comply with the Notice served but this was due to financial reasons.

Speaking after the case, the Environment Agency officer in charge of the investigation said:

The successful prosecution of this case should send out a clear message that the Environment Agency is adopting a robust approach to ensuring those who flout the law are brought to justice. Despite extensive previous efforts to work with the company and seek compliance, it became apparent that prosecution remained the only

option to deal with this matter appropriately.

In mitigation, the court heard that the defendant had pleaded guilty at the first available opportunity, had co-operated with the Environment Agency during the interview and that he was sorry for the offences committed.

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Press release: Wiltshire site owner fined for obstructing Environment Agency staff

Trying to stop Environment Agency staff from doing their jobs saw a businessman convicted of obstruction.

Bart Critchly-Clark, of Mill Lane, Monkton Combe, Bath, initially allowed environmental officers onto his premises at Riverway in Trowbridge. But after it was explained they were there to investigate claims of an illegal waste site, he became uncooperative. He refused to give his address. He refused to give his date of birth. And to stop officers from taking photographs of the premises, Critchly-Clark closed the entrance shutters.

To operate a business which manages waste, you must have an environmental permit from the Environment Agency. It details what can and cannot be done, to prevent impact on the environment and local community. To enforce this, Environment Agency staff have legal powers of entry and inspection.

In this case, the Environment Agency officers returned the next day, accompanied by police officers, gained access and finished their investigation.

Critchly-Clark pleaded guilty to a charge of intentional obstruction of an environment officer under the Environment Act 1995 and was fined £200 and ordered to pay £330 costs at Swindon Magistrates Court on 31 January.

Environment officer Huw Williams said:

The majority of the businesses we visit are welcoming and happy to work with us. But the Environment Agency has a zero tolerance approach to obstruction and threatening behaviour on our staff and we will not hesitate to prosecute.

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Government response: Addressing concerns about Kent oyster farm

The MMO has been contacted by members of the public reporting concerns relating to the use of non-native oysters and the deployment of oyster trestles to the west of Whitstable Harbour which they feel may pose a risk to swimmers, sailors and navigators.

We understand the Whitstable Oyster Fishery Company (WOFC) have deployed Oyster trestles in this location since 2009 although it is alleged that the footprint and number of trestles has recently increased over a relatively short period of time.

The MMO considers safety to be of paramount importance. We are currently working with both the Maritime and Coastguard Agency and Trinity House, as the statutory experts in the safety of navigation, to investigate the issues raised. This includes making sure that all necessary precautions are being taken in the interim.

A site inspection has been conducted which identified that 14 special marker buoys have been deployed to provide a warning of the presence of the trestles.

Our work on this is still ongoing and further updates will be provided on the MMO website when available.

Farming of non-native shellfish

The propagation of non-native species of shellfish is regulated by CEFAS. The MMO understands Whitstable Oyster Company has received such approval from them. Details can be found on the Cefas [public register of aquaculture production businesses in England and Wales](#) Queries about this aspect should be directed to Cefas in the first instance.

Relevant marine licensing legislation

The deposit of an object or substance from a vehicle, vessel, aircraft or marine structure and or the construction of works in the UK marine area is a licensable activity under part 4 of the Marine and Coastal Access Act (MACAA) although the Marine Licensing (exempted activities) Order 2011 (as amended) ("the amended order") provides a number of exemptions removing the requirement to obtain a marine licence for some low risk activities where certain conditions are met.

In particular exemption 13 of the amended order covers the deposit and removal of any shellfish, trestle, cage, pole, rope, marker or line in the course of propagation and cultivation of shellfish when certain conditions are met.

Further information relating to exemptions can be found on the [Marine licence exempted activities](#) page.

Applicants are required to satisfy themselves that their proposed activities meet the terms of any exemption they intend to rely on. In the event that it is subsequently determined that an activity undertaken was not consistent with the activity described or not in accordance with the conditions contained in the relevant exemption, then enforcement action may be taken.