

Former Derbyshire farmer ordered to pay £24,120 for illegally burning waste

In a case at Derby Magistrates' Court on 29 March 2022, John Patrick Radford, aged 76, of Upper Hartshay, Heage, Belper, Derbyshire, admitted 2 offences of operating a regulated facility without an environmental permit.

He was fined £10,000 and ordered to pay costs of £14,000, plus a victim surcharge of £120.

Between September 2016 and 2018, Radford burned waste brought to the farm by third parties and continued to operate despite warnings from the Environment Agency to stop the activity.

He had registered an exemption under the regulations for the burning of waste, but this only allowed the burning of green waste (plant matter) or untreated wood waste produced on site. This did not allow waste to be brought in from elsewhere to be burnt.

The court was told that the burning waste produced large quantities of smoke which affected 2 neighbours who complained to the Environment Agency. The smoke also posed a danger to drivers on the main road outside the farm.

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In sentencing, the Judge said Radford's claim that he did not obtain any financial benefit from the activity was "incredulous".

He also stated that the defendant had ample opportunity to stop the unlawful activity before the prosecution was brought against him, but he chose not to do so.

The Judge stated that he would impose a financial penalty due to Radford's age, his lack of previous convictions, and the absence of any further offending.

A spokesperson for the Environment Agency said:

Any person or business who treats, stores or deposits waste without the required environmental permit is breaking the law.

The conditions of an environmental permit are designed to protect people and the environment.

Failure to comply with these legal requirements is a serious

offence that can damage the environment, harm human health and undermine local legitimate waste companies.

We welcome this sentence which should act as a deterrent to others considering flouting the law.

If anyone is suspicious of waste activities they should call our 24/7 hotline on 0800 80 70 60 or Crimestoppers anonymously and in confidence on 0800 555 111.

Charges

Between 5 September 2016 and 31 December 2016 John Patrick Radford operated a regulated facility on land, namely Hartshay Hall Farm, Upper Hartshay, Heage, Belper, Derbyshire DE56 2HW, which was not authorised by an environmental permit, namely a non-exempt waste operation involving the deposit, storage and disposal of waste, contrary to Regulation 38(1)(a) and Regulation 12(1)(a) of the Environmental Permitting (England and Wales) Regulations 2010.

Between 1 January 2017 and 3 June 2018 John Patrick Radford operated a regulated facility on land, namely Hartshay Hall Farm, Upper Hartshay, Heage, Belper, Derbyshire DE56 2HW, which was not authorised by an environmental permit, namely a non-exempt waste operation involving the deposit, storage and disposal of waste, contrary to Regulation 38(1)(a) and Regulation 12(1)(a) of the Environmental Permitting (England and Wales) Regulations 2016.