

Illegal waste operator and landowner prosecuted

- 20-week suspended prison sentence for illegal waste operator for burning waste in Newark, Nottinghamshire
- Owner of land used to burn waste also prosecuted
- Each ordered to pay costs of over £18,000

The case against Samual Hussan, of Beaver Cotes Close, Newark, NG24 4JT, aged 61, and Frederick Hardy, of Corner Farm, Farndon, Newark, NG24 3SD, aged 75, concluded at Nottingham Magistrates' Court on Wednesday 27 April 2022.

Hussan had admitted the offence at a previous hearing. He received a 20-week prison sentence suspended for 2 years, a 12-week curfew from 8pm-6am, was ordered to pay costs of £18,236.20 and a victim surcharge of £115. In addition, he was disqualified from being a director for 5 years.

At a previous hearing, the landowner, Frederick Hardy, admitted he had knowingly permitted the operation without the necessary environmental permit. He was fined £2,666 and ordered to pay costs of £18,236.79 and a victim surcharge of £170.

The court was told that Hussan had made a significant financial gain from operating the site. Operations at the site commenced in February 2018.

Hussan told officers from the Environment Agency that he had been paid £50 per tonne for the waste and that there were 300 tonnes of bales on the site.

However, officers discovered that waste on the site included road plainings, wood, plus construction and demolition waste. There were also at least 1,000 bales of waste which contained carpets, duvets and mattresses.

The court was told that it was estimated that Hardy had subsequently cleared the site at a cost in excess of £64,000 and removed the waste to landfill.

Newark and Sherwood District Council first received a complaint about the burning of materials on the site in March 2018.

Hussan originally denied burning waste on the site and that the majority of his activities had involved the grading of wood. He believed that exemptions from an existing environmental permit covered his activities.

Hardy admitted he had allowed Hussan to use the site and that he was aware of waste being burned. He had organised access to the site from neighbouring land and for the construction of a weighbridge.

The court was told that Environment Agency officers in May 2018 had de-registered 14 exemptions for the site on the basis that they posed a significant environmental risk.

A spokesperson for the Environment Agency said:

We hope this case will send a clear message that we do not hesitate to take action to protect the environment and bring perpetrators to justice.

These people operated the site without the required permit which, as well as undermining the regulatory regime, also had an impact on lawful waste operators.

We are actively targeting illegal waste activities across the country and would urge all those seeking to become involved in the waste industry to ensure they have the appropriate permits and authorisations in place before commencing their operations.

Businesses and householders should carry out checks to ensure that they are using legitimate companies to deal with their waste. To check if a waste carrier is genuine visit:

<https://environment.data.gov.uk/public-register/view/index>.

Anyone who suspects a company is operating illegally can call the Environment Agency 24/7 on 0800 80 70 60 or report it anonymously to Crimestoppers on 0800 555 111.

Charges

Between 22 March 2018 and 12 June 2018 at a site adjacent to Cotham Lane, Hawton, Newark, Nottinghamshire NG24 3RJ, Samuel Hussan did operate a regulated facility, namely a waste operation for the deposit, treatment and storage of waste, except under and to the extent authorised by an environmental permit, contrary to Regulations 12(1) and 38(1)(a) of the Environmental Permitting (England & Wales) Regulations 2016.

Between 22 March and 12 June 2018 at a site adjacent to Cotham Lane, Hawton, Newark, Nottinghamshire NG24 3RJ, Frederick Hardy did knowingly permit the operation of a regulated facility, namely a waste operation for the deposit, treatment and storage of waste, except under and to the extent authorised by an environmental permit, contrary to Regulations 12(1) and 38(1)(a) of the Environmental Permitting (England & Wales) Regulations 2016.