

# Lincolnshire-based company fined for illegal waste activities

- The food waste recycling company was fined £36,000 plus costs for unlawful land spreading, and storage of waste, in Doncaster and Lincolnshire
- Illegal waste activities posed a risk of groundwater pollution
- Company pleaded guilty to 8 offences

A food waste recycling company has been fined £36,000 for the illegal spreading and storage of waste at 3 sites in South Yorkshire and Lincolnshire, in a sentencing case heard at Doncaster Magistrates' Court on Wednesday 16 November 2022.

In September 2022, Whites Recycling Limited pleaded guilty to 8 offences, including the breach of environmental permit conditions related to the spreading of waste to farmland in Auckley and Blaxton, Doncaster, and Susworth, Lincolnshire, contrary to the Environmental Permitting (England and Wales) Regulations 2016.

Doncaster Magistrates' Court heard that Whites Recycling Limited, in breach of its environmental permit, spread liquid waste to fields near to Ivy House Farm, Auckley between March and May 2018; to Acomb Farm, Blaxton in November and December 2018; and to East Ferry Road, Susworth, Lincolnshire in November and December 2019.

Liquid wastes containing nitrogen and phosphates were spread on land by the company at the wrong time of year or in excessive quantities, which posed a risk of pollution to groundwater. In addition, the Lincolnshire-based company pleaded guilty to illegally storing liquid waste in a storage tank on Acomb Farm between July 2017 and April 2018.

Whites Recycling Limited is a company involved in the disposal and recycling of waste sludge and liquid waste, the majority of which are generated by the food industry. The company can lawfully spread such waste to farmland in circumstances where it can be demonstrated that land spreading will result in agricultural or ecological benefit.

Although the company had an environmental permit that allowed it to spread food waste to land for agricultural benefit, it was a condition of its permit that before it could start to store or spread waste at a location, it must notify the Environment Agency using a deployment form, and the Environment Agency must agree to the spreading.

This ensures that waste is only permitted to be spread to land when it benefits either the soil or the crop being grown in it and where it will not pose a risk of harm to the environment. If waste is spread to land without a deployment first having been agreed, or if waste is spread to land in circumstances which are not in accordance with the agreed deployment, then

there is a risk of environmental harm.

In passing sentence, District Judge Young stated that the company had been negligent, in that it had failed to take reasonable care to put in place and enforce proper systems for avoiding the offences. The court acknowledged that the company had reviewed its systems and steps had been taken designed to avoid further offending. The court stated that it had to balance the need to bring home to the company's management and shareholders the need to improve regulatory compliance, with the fact that the company had recently been operating at a loss.

The Court fined the company £36,000 and further ordered the company to pay a statutory surcharge of £170, and the Environment Agency's investigation and legal costs of £38,008.17.

After the sentencing, Area Environment Manager Steve Lawrie said:

Our rules are in place for a good reason and to ensure that any material that is spread is done correctly and managed in a way that protects the environment. We will not hesitate to take enforcement action in future for those who breach their permits and refuse to cooperate.

We hope this case sends a message to other land spreading operators and farmers that we take land spreading offences very seriously. Operators must follow the correct procedures to ensure they spread safely, in accordance with their environmental permits.

We will always take action against anyone who fails to act in accordance with environmental laws and if anyone spots an environmental incident, they can report it to the Environment Agency's 24-hour incident hotline on 0800 807060.

## **The charges**

Between 24 March 2018 and 11 May 2018, on land near Ivy House Farm, Auckley, Doncaster, DN9 3JW, Whites Recycling Ltd did breach condition 2.2.2 of Environmental Permit Number BB3205KS by spreading waste which did not conform to the agreed deployment form, contrary to Regulation 38(2) of the Environmental Permitting (England and Wales) Regulations 2016.

Between 24 March 2018 and 11 May 2018 on land near Ivy House Farm, Auckley, Doncaster, DN9 3JW, Whites Recycling Ltd did breach condition 2.2.7 of Environmental Permit Number BB3205KS by spreading waste earlier than specified in the agreed deployment form, contrary to Regulation 38(2) of the Environmental Permitting (England and Wales) Regulations 2016.

Between 24 March 2018 and 11 May 2018 on land near Ivy House Farm, Auckley, Doncaster, DN9 3JW, Whites Recycling Ltd did breach condition 2.2.7 of Environmental Permit Number BB3205KS by spreading nitrogen and phosphate at levels exceeding those specified in the agreed deployment form, contrary to

Regulation 38(2) of the Environmental Permitting (England and Wales) Regulations 2016.

Between 1 July 2017 and 28 April 2018, on land near Acomb Farm, Thorne Road, Blaxton, Doncaster DN6 3AY, Whites Recycling Ltd did operate a regulated facility, namely a waste operation for the deposit and storage of waste, except under and to the extent authorised by an environmental permit contrary to Regulations 12 and 38(1)(a) Environmental Permitting (England and Wales) Regulations 2016.

Between 23 November 2018 and 2 December 2018 on land near Acomb Farm, Thorne Road, Blaxton, Doncaster DN6 3AY, Whites Recycling Ltd did breach condition 2.2.8 of Environmental Permit Number BB3205KS by spreading waste earlier than specified in the agreed deployment form, contrary to Regulation 38(2) of the Environmental Permitting (England and Wales) Regulations 2016.

Between 16 November 2018 and 28 November 2018, on land near Acomb Farm, Thorne Road, Blaxton, Doncaster DN6 3AY, Whites Recycling Ltd did breach condition 4.3.4 of Environmental Permit Number BB3205KS by failing to provide notification in advance of the intention to commence spreading operations, contrary to Regulation 38(2) of the Environmental Permitting (England and Wales) Regulations 2016.

Between 1 November 2019 and 17 December 2019, on land near East Ferry Road, Susworth, Whites Recycling Ltd did breach condition 2.2.8 of Environmental Permit Number BB3205KS by spreading waste later than specified in the agreed deployment form, contrary to Regulation 38(2) of the Environmental Permitting (England and Wales) Regulations 2016.

Between 5 December 2019 and 12 December 2019, on land near East Ferry Road, Susworth, Whites Recycling Ltd did breach condition 4.3.4 of Environmental Permit Number BB3205KS by failing to provide notification in advance of the intention to commence spreading operations, contrary to Regulation 38(2) of the Environmental Permitting (England and Wales) Regulations 2016.

## **Background information**

Spreading waste to land is an alternative source to traditional fertilisers. Environmental permits are in place to protect the environment from these activities, and the Environment Agency will take action against anyone who breaches environmental law.

Land spreading the waste material to land reduces reliance on manufactured fertilisers. The activity is subject to a permitting regime overseen by the Environment Agency to ensure it does not impact on the environment.

Such waste is considered a means of waste recovery (recycling) and the costs involved are typically substantially lower than if the waste were disposed of at a waste treatment centre.

Pollution incidents can be reported to the Environment Agency on the 24-hour incident hotline on 0800 807060.