

Press release: Environment Agency prosecutes Great Chart Golf & Leisure

Brothers Grant and John Kay and the hauliers Mark Luck from Mark Luck Limited and Robert Body from Robert Body Haulage Limited were prosecuted for the illegal deposit of waste at Great Chart Golf & Leisure, Great Chart, Ashford, Kent.

Mark Luck was fined £40,000 with £4,036 costs and £170 victim surcharge. Robert Body was fined £26,000 with £2,952 costs and £170 victim surcharge. Grant and John Kay were individually fined £325 with Grant Kay having to pay £4,723 costs and £32 victim surcharge and John Kay paying £2,724 costs and £32 victim surcharge.

Sevenoaks Magistrates heard that the brothers were paid by a number of hauliers to deposit waste soil to create bunds around their driving range, build a zorbing ramp and raise an area of ground outside the terms of 3 U1 exemptions that had been registered with the Environment Agency. Only one of these exemptions may be registered on a site in a 3 year period and allows the use of only up to 1,000 tonnes of clean waste soil in a small scale construction scheme.

To import more than 1,000 tonnes of soil the operators should have obtained an environmental permit from the Environment Agency. These permits require operators to put in place stringent measures to ensure the suitability of the waste that is deposited and minimise the impact from the activities on the land and the surrounding land users.

An Environment Agency investigation identified that 2,157 lorry loads of waste soil had been deposited on the site between 2012 and 2015, which could have equated to 42,000 tonnes, significantly exceeding the 1,000 tonne limit. The haulier Mark Luck Limited had deposited 1,292 loads and Robert Body Haulage Limited 715 loads during this timeframe.

The court heard that all 4 parties were fully cooperative with the Environment Agency's investigation and pleaded guilty at the earliest opportunity. The court accepted that the brothers had limited knowledge of the waste industry but that the hauliers, both of whom have a long history in the business, should have known better than to deposit large volumes of waste on the site.

Environment Manager Alan Cansdale said:

The Environment Agency support the use of U1 exemptions for those who wish to use small quantities of clean waste in construction projects. We will not tolerate however the deposit of excessive volumes or inappropriate waste for financial gain under the terms of this authorisation.

While we will work closely with businesses to help them comply with such legislation, in cases where individuals consistently operate illegally and in this case outside the terms of an exemption, we have no hesitation in prosecuting them.

Notes to editors

The charges brought by the Environment Agency were:

- Mr Grant Kay: Contrary to Regulation 12(1)(a) and 38(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010
- Mr John Kay: Contrary to Regulation 12(1)(a) and 38(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010
- Mr Mark Luck: Contrary to section 33(1)(a) and (6) of the Environmental Protection Act 1990, as amended
- Mr Robert Body: Contrary to section 33(1)(a) and (6) of the Environmental Protection Act 1990, as amended