

Press release: Illegal waste operation leads to prison term for man and £314,000 compensation for victim

A man has been jailed for 12 months for the illegal storage of more than 5,300 tonnes of mixed waste wood at a site in Great Staughton, Cambridgeshire.

Another man involved in the illegal activity has received a suspended prison term and a company has also been fined and ordered to pay more than £300,000 compensation.

At Cambridge Crown Court on 3 May 2019 James Mervyn Williams, 38, formerly of Olton Road, Shirley, Solihull, was sentenced in his absence to 12 months in prison for his part in setting up the site.

At a previous hearing on 15 March 2019 Christopher Kerr, 74, of Vivian Close, Birmingham, who was the public face of the operation, was sentenced to 4 months in prison, suspended for 2 years.

Biowood Recycling Limited, which organised the deliveries of waste to the site, was fined £12,690 and ordered to pay £314,426 compensation to the landowner who paid to clear the waste.

In August 2014, under the name 'CGK Recycling', Kerr leased the site on part of an old WWII airfield known as Little America Industrial Estate on the Cambridgeshire/Bedfordshire border.

Kerr told the landowner the site would be used to process timber. Six weeks later the Environment Agency heard that the site was operating illegally and when officers investigated they found wood stacked 3-4 metres high, with some of it falling into hedgerows and a nearby ditch.

Because of its size and the way it was stored the waste created a significant fire risk for the local area. An Emergency Fire Plan had to be drawn up by the local authority.

Waste wood stacked at Great Staughton

Kerr registered a waste exemption which limited the amount of waste in any 7-day period to just 500 tonnes. Instead, around 1,000 tonnes were taken there every week for 5 weeks.

Kerr told investigating officers that he had been asked to run the site by Williams and had no real involvement in it. But Kerr set up a business account in his name and a total of £116,638 was transferred into it by Williams' company.

Kerr pleaded guilty to knowingly permitting the waste operation without a

permit, contrary to the Environmental Permitting Regulations.

Williams, sole director of a now dissolved recycling company (MT Recycling Ltd of Southam Works), ran a similar waste wood site and helped Kerr set up, deciding that his company would broker all the waste wood to CGK Recycling.

But as his company did not have enough customers to supply the site, he used the services of another waste broker, Biowood Recycling Ltd, based in Derbyshire, with which he had conducted business for a number of years.

Biowood sourced all the waste wood that was taken to the site. Biowood paid Williams' company £168,369 to deposit the waste, making a profit themselves of at least £38,000 from brokering the wood to the illegal site.

Williams pleaded guilty to knowingly causing the waste operation without a permit contrary to the Environmental Permitting Regulations.

Both Williams and Biowood pleaded guilty to failing to take reasonable measures as waste brokers to comply with their statutory duty of care under the Environmental Protection Act 1990 to prevent a waste offence.

Sentencing Kerr and Biowood at the hearing on 15 March 2019, Judge Jonathan Cooper said Kerr had acted at his own peril and "must have been wilfully blind to the risk of offending". Biowood was "at least as reckless with its dealings with the other two defendants" and the exemption was "a fig leaf for an illegal operation", the Judge said.

In mitigation it was accepted that Kerr had no previous involvement in the waste industry. Biowood had no previous convictions and had co-operated with the Environment Agency's investigation.

Of the £314,426 compensation, £255,116 was ordered to be paid by Biowood under the Proceeds of Crime Act. In addition the company was ordered to pay prosecution costs of £20,000.

Sentencing Williams in his absence on 3 May 2019, Judge Cooper said Williams had committed the offence for financial gain motivated by his greed. Williams was also disqualified as a company director for 5 years. An application to confiscate the money he obtained from his crime will be decided at a later date. A warrant has been issued for Williams' arrest.

After the hearing, Enforcement team leader Phil Henderson said:

The illegal and uncontrolled storage of combustible waste at this location gave considerable cause for concern to both local communities and the authorities alike so we are pleased with the penalties imposed by the court.

In cases like this the Environment Agency will relentlessly pursue not only those who actually dumped the waste but also others involved in or facilitating the crime.

We pay tribute to the affected landowner who acted to remove the waste minimising risk to the public and via proceeds of crime legislation has now been rightly compensated.

More information on [waste and permitting](#).