

# Press release: Scrapyard permit dodger claims end-of-life vehicles were for resale

Max Newbery denied running a scrapyard, claiming vehicles were bought with the intention of resale

The owner of an Exeter scrapyard has been given a suspended prison sentence for operating an illegal vehicle dismantling business.

Max Newbery was also ordered to pay £8,470 costs at the end of a 2-day trial before Exeter magistrates. The case was brought by the Environment Agency.

The court heard that in March 2014, the Environment Agency suspended the defendant's environmental permit after he failed to pay the site's annual permitting fee over a period of 5 years.

The scrapyard, at Barley Villas Yard, Redhills, Exeter, continued to accept vehicles despite it no longer being a permitted facility. Between 27 March 2014 and 25 February 2016 a minimum of 51 vehicles were accepted at the scrapyard.

When questioned, Newbery claimed he bought the vehicles with the intention of selling them on. He refused to accept they were waste as defined by the 2008 Waste Framework Directive which states that waste is 'any substance or object which the owner discards or intends or is required to discard'.

Two women who took cars to the defendant's scrapyard both said they were disposing of their vehicles. One described her's as 'Scrap, not a goer' and the other, 'Nobody would buy it.' An Environment Agency officer, who visited the site, said in his professional opinion, all the cars brought to the scrapyard were end-of-life vehicles.

When questioned about the poor condition of some of the vehicles, Newbery claimed they had been 'vandalised by children', yet there was no CCTV at the site and little in the way of security to safeguard the vehicles he insisted were suitable for re-sale.

In addition to suspending his permit, the Environment Agency served Newbery with an Enforcement Notice requiring him to carry out improvements to the infrastructure of the scrapyard to minimise the risk of pollution and protect human health. Newbery said complying with the notice would be 'expensive' and it was therefore 'unreasonable' of the Agency to expect him to do so.

Magistrates were told the defendant's business had an annual turnover of more than £50,000 and that he had recently obtained planning permission for the site. This had increased its value to around £600,000 and had prompted Newbery to try to sell it.

Jacob Hess of the Environment Agency said:

Scrapyard operators are required by law to put in place appropriate environmental safeguards to protect human health and the environment. The defendant continued running his scrapyard without making any of the legally required infrastructural improvements.

He avoided investing in the business as this would eat into his profits and continued making money from an illegal site.

Appearing before Exeter magistrates, Max Newbery, of Barley Villas Yard, Redhills, Exeter received a 24-week prison sentence, suspended for 2 years, and was ordered to pay £8,470 costs after being found guilty of operating a regulated waste facility without a permit and failing to comply with an enforcement notice in contravention of the Environmental Permitting (England and Wales) Regulations 2010.

### **Editor's notes**

Environmental permits are necessary to minimise the risk of pollution or harm to human health from operations at waste sites such as scrapyards. There are set procedures for de-polluting and dismantling of end-of-life vehicles that contain potentially hazardous substances including engine oil, clutch fluid, coolant, brake fluid, gearbox oil, lead acid batteries, power steering fluid, screen wash, fuels, CFC's and lead wheel balancing weights.