

Stowey Quarry saga ends with final convictions

European Metal Recycling Ltd, UK Environmental Ltd and its sole director Amar Seth all admitted to playing a part in the exploitation of Stowey Quarry as a cheap way to dispose of unpermitted waste and save money instead of paying for disposal through legitimate sites.

An investigation revealed 2001 tonnes of metal, foam and plastic shreds from end-of-life vehicles were sent from Tilbury Docks in London to the former limestone quarry near Chew Valley Reservoir under the guise of non-hazardous 'mechanically treated soil substitute'.

Stowey Quarry was not allowed to receive such waste. Businessman Mark Foley, who was supposed to be accepting a limited amount of clean, inert waste to create bunds and embankments as a waste recovery enterprise, was instead running an illegal landfill operation. [Foley is now serving a custodial sentence and his firm fined £72,000.](#)

A three-year investigation by the Environment Agency discovered that Amar Seth, the sole director of UK Environmental Ltd, brokered a deal with European Metal Recycling Ltd to send waste from shredded automobiles cheaply to Stowey Quarry to save the firm an estimated £32,000 in disposal costs.

UK Environmental Ltd had also arranged the sending of shredded bin bag waste from Wales to the quarry as 'soil substitute'. The subsequent investigation confirmed this was just a small proportion of similarly brokered deals.

UK Environmental Ltd was fined £28,000 and ordered to pay prosecution costs of £83,000. UK Environmental Ltd further agreed Confiscation figure £7,048.

European Metal Recycling Ltd was fined £400,000 and ordered to pay prosecution costs of £350,000.00. European Metal Recycling further agreed Confiscation figure £32,958.

Rebecca Kirk of the Environment Agency said:

This is the conclusion of one of the biggest criminal investigations we have conducted in the South West. It has taken many years and forensic analysis of criminal behaviour at many levels in the supply chain.

Sadly, the sentences cannot undo the environmental harm that has been done and the distress to the community, but they will serve as a deterrent to anyone who thinks waste crime is a soft option that doesn't carry consequences.

Bristol Crown Court heard that European Metal Recycling Ltd had a deadline to

remove thousands of tonnes of automotive shredded residue from the dockside of Tilbury Docks in London. Most of this was earmarked for its waste-to-energy site in Oldbury. But at least 2,001 tonnes of fine shreds, up to 8mm in size, were sent across country to Stowey Quarry over a period of 16 days during May and June 2016. The loads were wrongly classified to stay compliant with the quarry's permit for clean, inert waste.

An independent lab test of a waste sample from Tilbury Docks proved it was not inert. However, European Metal Recycling Ltd had already begun shipping the waste to Stowey Quarry eight days earlier. Testing by the Environment Agency later confirmed a waste sample from the docks as toxic to the environment.

UK Environmental Ltd told the metal exporter to cease all shipments to Stowey Quarry on 19 May 2016 because of concerns of waste arriving to site from elsewhere and residents' issues with lorry movements. However, the Environment Agency told the court it believed another 19 loads were sent between 1 and 10 June, arranged by the broker.

European Metal Recycling Ltd had sent an auditor who claimed the site was suitable to receive the waste. The firm also claimed the waste was mixed with sand, stone and soil in keeping with the material found at Stowey Quarry. However, the Environment Agency contended this mixing process was not happening before it arrived and would not make it any less hazardous to the environment.

Editor's notes:

UK Environmental Ltd of Office 4B, 43, Belkley Square, Mayfair, London pleaded guilty to the following charges:

Count 6

STATEMENT OF OFFENCE

FAILING AS A DEALER OR BROKER WITH CONTROL OF WASTE, TO DISCHARGE A DUTY OF CARE, contrary to Section 34(1)(aa) and 34(6) of the Environmental Protection Act 1990.

PARTICULARS OF OFFENCE

UK ENVIRONMENTAL LIMITED between 20 March 2016 and 18 May 2016 being a broker that had control of waste, namely organic shredded domestic waste from a Neath Port Talbot Recycling site, failed to take all such measures applicable to them in that capacity as were reasonable in the circumstances to prevent any contravention by any other person of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2010.

Count 8

STATEMENT OF OFFENCE

FAILING AS A DEALER OR BROKER WITH CONTROL OF WASTE, TO DISCHARGE A DUTY OF CARE, contrary to Section 34(1)(aa) and 34(6) of the Environmental Protection Act 1990.

PARTICULARS OF OFFENCE

UK ENVIRONMENTAL LIMITED between 1 April 2016 and 20 May 2016 being a broker that had control of waste, namely shredded fragmentiser waste and / or automotive shredded residue waste from Tilbury Docks, failed to take all such measures applicable to them in that capacity as were reasonable in the circumstances to prevent any contravention by any other person of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2010.

European Metal Recycling Ltd of Sirius House, Delta Crescent Warrington WA5 7NS pleaded guilty to the following charges:

Count 11

STATEMENT OF OFFENCE

DEPOSTING CONTROLLED WASTE contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990

PARTICULARS OF OFFENCE

EUROPEAN METAL RECYCLING LIMITED, between the 2 May 2016 and 20 May 2016 at Stowey Quarry, Somerset, otherwise than in accordance with an environmental permit, deposited controlled waste, namely shredded fragmentiser waste and / or automotive shredded residue waste stored at Tilbury Docks.

Count 13

STATEMENT OF OFFENCE

DEPOSTING CONTROLLED WASTE contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990

PARTICULARS OF OFFENCE

EUROPEAN METAL RECYCLING LIMITED, between the 31 May 2016 and 11 June 2016 at Stowey Quarry, Somerset, otherwise than in accordance with an environmental permit, deposited controlled waste, namely shredded fragmentiser waste and / or automotive shredded residue waste stored at Tilbury Docks.

Previous convictions relating to Stowey Quarry:

Mark Edward Foley of Whitehaven, Mill Lane, Castleton, Cardiff pleaded to the following charges:

One count of consent or connivance in the commission of an offence contrary to Section 33(1)(c) and 33(6) of the Environmental Protection Act 1990 or neglect to which that offence was attributable, contrary to Section 33(1)(c) and 33(6) and 157(1) of the Environmental Protection Act 1990

Between 1 January 2016 and 31 December 2016 committed the above offence with the consent or connivance or was attributable to the neglect of Mark Foley, Mark Foley being the sole director of the company. He was jailed for 2 years and 3 months.

One count of making false or misleading statements contrary to Section 44 of the Environmental Protection Act 1990.

Between the 29 October 2017 and the 1 December 2017 in purported compliance with a requirement to furnish written descriptions to the Environment Agency concerning the removal of unpermitted waste from Stowey Quarry, Somerset,

provided forty-five waste transfer notes which he knew to be false or misleading in a material particular, or was reckless as to such, in that they purported to show the removal of forty-five loads of unpermitted waste from the Quarry between the 17 and 28 October 2017, when no such removal had in fact occurred. He was jailed for 18 weeks, to be served concurrently with above sentence.

M E Foley (Contractors) Ltd of Cowbridge Road East, Cardiff pleaded guilty to the following charges:

One count of treating, keeping or disposing of controlled waste in a manner likely to cause pollution of the environment or harm to human health contrary to section 33(1)(c) and 33(6) of the Environmental Protection Act 1990.

Between the 1st day of January 2016 and 31st day of December 2016 at Stowey Quarry, Somerset, kept or disposed of controlled waste, namely shredded fragmentiser waste, automotive shredded residue, domestic waste, mixed waste fines and other waste including hazardous waste in a manner likely to cause pollution of the environment or harm to human health. The company was fined £72,000.

Sentencing for all above was held at Bristol Crown Court on 6 April 2021.

M E Foley (Contractors) Ltd of Cowbridge Road East, Cardiff, was fined £2,500 with £1,902 costs and £130 victim surcharge at Bath Magistrates Court in April 2017. It pleaded guilty to one charge of failing to comply with the requirements of a Section 34 Notice under the Environmental Protection Act 1990. This notice required the company to supply waste transfer notes in relation to waste deposited at Stowey Quarry.

Two waste hauliers were fined for failing to comply with the requirements of a Section 34 Notice under the Environmental Protection Act 1990 in 2017. These convictions are now spent.