

# Suspended prison sentences for brothers who illegally stored waste at Shropshire site

Shrewsbury Crown Court sentenced brothers Jonathan and Mark Nicholson from Armagh, Northern Ireland, to 8 months imprisonment, suspended for 12 months, on 24 February 2022. They were ordered to undertake 100 hours of unpaid work and were disqualified from being a company director for 3 years. The brothers were also told to pay a total of over £23,000 towards the costs of the prosecution.

Both men admitted the charge of breaching the environmental permit for the site which was run through a company, Greenway Waste Recycling Ltd, they were directors of.

They admitted, between 12 October 2016 and 19 January 2017, they had stockpiled bales of waste, inappropriately at a site on land at Recycling House, Rock Road, Ketley, Telford in Shropshire.

The waste included plastics, wood, metal, paper, and cardboard. It is referred to as Refuse Derived Fuel (RDF), as its intended use was burning as a fuel to produce electricity.

In all, officers from the Environment Agency estimated the waste dumped amounted to more than 26,000 cubic metres or roughly the equivalent of 10 olympic-sized swimming pools.

Following the eviction of the company run by the brothers, efforts were made to secure the removal of the abandoned waste by them. Only one load, comprising 26 bales of waste was removed.

Throughout the time the waste was being stockpiled on the site in breach of the permit, Environment Agency officers inspecting the site highlighted the fire risk posed by the waste.

A significant waste fire took place at the site in April 2021 which led to the M54 being partially closed as well as a number of neighbouring primary schools.

David Hudson, Environment Manager for the West Midlands Area of the Environment Agency, said:

Waste crime can have a serious environmental impact. It puts communities at risk and undermines legitimate business and the investment and economic growth that go with it.

We support legitimate businesses and we are proactively supporting them by disrupting and stopping the criminal element. This is

backed up by the threat of tough enforcement as in this case.

We continue to use intelligence-led approaches to target the most serious crimes and evaluate which interventions are most effective.

If you see or suspect waste crime is being committed we urge you to report it immediately to Crimestoppers on 0800 555 111.

## **Charges**

Greenway Waste Recycling Limited did, between 12 October 2016 and 7 September 2017 at Recycling House, Rock Road, Ketley, Telford, breach condition 4.4.2 of Environmental Permit number EPR/PB3632RM in that it kept waste accepted at the site other than in accordance with section 4.6 of the working plan, that being an offence by it by virtue of Regulation 38(2) of the Environmental Permitting (England and Wales) Regulations 2016.

## **Defendants**

Jonathan James Nicholson, of Drumman Heights, Armagh, Northern Ireland.

Mark Alexander Nicholson, of Dobbin Street, Armagh, Northern Ireland.

## **Background information**

Greenway Waste Recycling Limited (Company No. 07281560) had its lease for the site terminated by the land owner, for failing to pay rent in January 2017. Greenway subsequently went into administration.

In excess of 20,000 cubic metres of waste remained stockpiled at the site after Greenway was evicted.

On 31 August 2018, the Environment Agency granted an environmental permit reference EPR/RP3237YR to Johnson's Aggregates & Recycling Limited (Company No. 04366658) to process pulverised fuel ash into products at the site.

In December 2019 the permit holder's appeal against refusal of planning for the activity was allowed by a Planning Inspector. The permit holder has not sought to begin operations.

Between the departure of Greenway Waste Recycling Limited in 2017 and the fire in 2021 the Environment Agency has been in regular contact with the landowner and carried out regular inspections of the site.

The Environment Agency is leading an ongoing investigation into the fire at the site in April 2021.

If local residents are concerned about the site they should call our 24/7 hotline on 0800 80 70 60.