

Waste management company fined £3m following HSE investigations

- Michael Atkin's partner says "enormous hole has been left".
- Mark Wheatley's parents called to the scene in Devon tragedy, partner pays tribute to "soulmate".
- National company in court on same day for two fatalities in England.

A waste management firm has been fined a total of £3 million following the deaths of two workers in separate incidents.

Michael Atkin and Mark Wheatley died following incidents in 2019 and 2020 respectively.

The families of both men say they are devastated after losing their loved ones.



Mark Wheatley (right) and his partner Keeley Martin

The Health and Safety Executive (HSE) investigated both incidents and subsequently prosecuted Valencia Waste Management Limited, formerly known as Viridor Waste Management Limited.

Michael, from Wetherby, lost his life while collecting a load of wastepaper bales at Valencia Waste Management Limited's Grendon Road site in Earls

Barton, Northamptonshire, on 10 October 2019.

The 63-year-old, a HGV driver employed by RT Keedwell, had been working at the site with a Valencia Waste Management employee, who was using a forklift truck to load Michael's lorry with rows of bales.

With three rows of bales already loaded on Michael's lorry, the Valencia employee then attempted to load a fourth row.

However, while loading the fourth row, some bales in the third row were dislodged and fell off the lorry, fatally crushing Michael. It seems Michael had been securing the other bales onto the lorry before he was crushed.

Each bale weighed at least 820kg.

Janet Atkin, Michael's partner, said: "Since the loss of Michael, it has left an enormous hole in my life, four years later I'm still traumatised and I don't sleep well."

A HSE investigation found it was not custom and practice at Valencia Waste Management Limited's Earls Barton site for bales to be loaded onto lorries by fork lift truck operators at the same time the lorry driver was strapping bales which had previously been loaded onto the lorry flatbed.

Systems were in place for drivers to remain within their cabs, or in some other safe location away from the loading activity, but this was not adhered to at the time of the incident.

HSE guidance can be found at: [Loading & unloading Vehicles safely \(hse.gov.uk\)](https://www.hse.gov.uk/load/)

Mark Wheatley died following an incident on 17 January 2020 at the Dartmoor National Park Conservation Works depot in Bovey Tracey, Devon.

The 31-year-old, who was from Sutton Coldfield but lived in Teignbridge, Devon, was an agency worker on his second week.

Mark had been using a lorry to lift two skips at the same time, deploying a method called 'hot swapping'.

However, the skips were not compatible, as they were of different dimensions, and fell at an angle onto the back of Mark's lorry. He then got onto the lorry bed to rectify the situation but the skips overbalanced and fatally struck him.

John and Sue Wheatley, Mark's parents, arrived at the scene of the incident following a phone call from their son asking for help.

Sue said in a statement presented to the court: "Every single night as soon as I close my eyes, I see Mark lying crushed underneath the skip dead or dying. When we arrived at the scene we were held back by the police and so I couldn't get close to him and couldn't tell if he was dead or alive."

“That image is what I see every single night when I close my eyes and every single morning before I open my eyes. I shouted out to him that we were there. I will never know if he heard that or not.”



Mark Wheatley

Keeley Martin, Mark’s partner, said in her victim personal statement: “To say Mark was my soulmate really is an understatement, he really was the kindest most caring man anyone could have the pleasure of meeting, he made a positive impact on everyone he met. The day he was taken he took a part of me with him, I nor anyone who knew him will ever be the same again.”

A HSE investigation into this incident found Valencia Waste Management Limited had failed to carry out a suitable and sufficient risk assessment into skip operations meaning that safe systems of work and appropriate training were not implemented, and skips were not maintained in an efficient state. Furthermore, sizes were not displayed on the skips themselves.

HSE guidance can be found at: [Waste and recycling industries – Collection – Skip hire and waste transfer \(hse.gov.uk\)](https://www.hse.gov.uk/waste-and-recycling-industries-collection-skip-hire-and-waste-transfer/)

The transport and waste and recycling industries continue to contribute to workplace fatalities, with 21 deaths across the two sectors in 2022/23.

Following the incident on 10 October 2019, Valencia Waste Management Limited, of London Road, Stretton-on-Dunsmore, Warwickshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1 million at Loughborough Magistrates' Court on 6 September 2023.

Following the incident on 17 January 2020, Valencia Waste Management Limited pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £2 million at Loughborough Magistrates' Court on 6 September 2023.

The company was also ordered to pay combined costs of £21,054.

Alan Hughes, senior enforcement lawyer at HSE, said: "These were two men at different stages of their lives, but the grief and pain across both families is devastating.

"Both deaths were avoidable. More needs to be done to make the use of vehicles on waste and recycling sites safer. We have a wealth of advice and guidance freely available."

This HSE prosecution was supported by HSE inspectors James Collins and Nicholas Moreby.

Notes to Editors:

1. The [Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Sue Wheatley's statement presented to the court in full: "Mark was a very kind and caring soul and would help anyone out that needed it. I cannot think of anything that has not been affected by his senseless and unnecessary death. Everywhere we go we have memories and reminders of Mark. Having only been in Devon a short time and knowing how much Mark loved living in the area the memories are fresh, and they hurt that he is no longer here. Every single night as soon as I close my eyes, I see Mark lying crushed underneath the skip dead or dying. When we arrived at the scene we were held back by the police and so I couldn't get close to him and couldn't tell if he was dead or alive. That image is what I see every single night when I close my eyes and every single morning before I open my eyes. I shouted out to him that we were there. I will never know if he heard that or not. Emotionally, I feel completely dead and empty inside. I have no joy in my life and cannot remember the last time I really smiled or laughed."