

## News story: Low Level Waste Repository's landmark achievement

The achievement is equivalent to diverting TWICE the number of containers that it would have taken to fill Vault 9 on the Cumbrian site.

Vault 9 opened in 2010, providing urgently needed waste disposal capacity to support the UK's nuclear decommissioning programme.

When it was built, the specially-engineered vault was designed to hold more than 5,000 ISO containers filled with low level radioactive waste from nuclear sites, medical and industrial facilities across the UK.

LLW Repository Ltd has been working hard to divert and treat waste, saving precious capacity on the site and removing the potential requirement for a second national repository – at an estimated cost of more than £2bn.

Dave Rossiter, LLWR's Head of Waste Management Services, said:

Without our diversion policy, Vault 9 would now have reached capacity and we would no doubt have been more than half way to filling a further vault.

We have embedded Waste Management Services within the business, ensuring a range of alternatives are available for waste destined for disposal at the LLWR.

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## News story: Taking the MRO option – Tied rent considerations

The [advice note](#) relates to express provisions in the Pubs Code which stop POBs from recovering from the tenant any increase in the tied rent during the MRO procedure, or where a MRO option is agreed.

There are further related issues of interest to both tenants and POBs arising from the interaction of the rent assessment process in the Code and the terms of the tied lease. There is no prescribed procedure for assessing the tied rent in the Pubs Code. The parties may have agreed contractual rights in the tied tenancy, including in relation to any dispute. It is therefore necessary to consider these contractual arrangements in the context of the Code.

The Code envisages that a tied tenant can consider the tied rent, and the MRO

option and rent, alongside each other. The right to be able to do this helps tenants decide what would be best for their business, although in some cases a tied tenant may wish to consider the MRO option without also taking steps to identify what the tied rent would be. There are implications for both landlord and tenant here.

Where the landlord triggers a dispute resolution process to identify the tied rent, the tenant may incur delay and cost even where they ultimately choose the MRO option. Alternatively, where the tied rent is not identified but the tenant does not take the MRO option at the end of the MRO procedure, the process of identifying that tied rent can then take more time. There are likely to be a range of other scenarios and further considerations for POBs and tenants in the MRO process concerning the identification of the tied rent.

#### Next steps

The PCA is always considering how best to present information around the Pubs Code and relevant industry practice in the most effective and useful manner for all stakeholders. We will therefore be seeking a wider understanding of industry views and practice to inform what further steps may be appropriate to support the rent assessment and MRO processes in accordance with the core Code principles.

The PCA has decided that it would be appropriate at this time to withdraw from publication the advice note entitled “Tied Rent Contractual Dispute Resolution Clauses and Calderbank Offer Letters” dated July 2017.

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## **[Press release: Middlesbrough-based company fined £19,000 for odour pollution](#)**

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# [pollution](#)

A Teesside firm specialising in anaerobic digestion has been prosecuted by the Environment Agency for odour pollution from its Middlesbrough based plant.

BioConstruct NewEnergy Ltd operating out of Imperial Avenue, South Bank in Middlesbrough were fined in total £19,670 after pleading guilty to offences which occurred in July 2018. The firm was sentenced at Teesside Magistrates' Court on Thursday 6 June.

Prosecuting on behalf of the Environment Agency, Chris Bunting told the Court that the plant, which produces electricity from various types of waste including food and liquids, had affected the nearby travellers' site at The Haven through odours drifting from the plant. In July 2018, the plant underwent some maintenance causing up to four days' misery for the local residents, most of whom decided to move out because of the smell.

Environment Officers visited the plant and were told that overseas contractors were responsible, as the company hadn't known how to properly carry out the maintenance. However said Mr Bunting, the company had to take responsibility as it holds the environmental permit for the site, which requires the company to prevent or minimise pollution.

During the same inspection, officers discovered around 30 large containers of pink liquid which the company were storing illegally. Only after the officers demanded tests be carried out could the company confirm that the liquid was non-hazardous.

Richard Arnot, for the company, apologised on their behalf for the incident and explained that improvements had been made to the company's management systems.

In passing sentence, the court found the company to have been negligent and stressed that the fine needed to have an economic impact upon them. The fines were however reduced to reflect the company's guilty pleas.

Jamie Fletcher, Area Environment Manager for the Environment Agency, said:

We take issues that greatly impact upon the local community very seriously and in the case of BioConstruct NewEnergy Ltd it affected people on a variety of different levels.

The odours emitted were so intrusive that it made families from the nearby registered travelling community site actually leave their homes for over four weeks. We have to act when insufficient maintenance planning results in wide spread disruption and potential hazardous impact on the environment. All of these

repercussions were preventable with appropriate management and consideration for people in the surrounding area.

This case also proves how the Environment Agency will bring to court and prosecute companies who don't take permit compliance seriously. These laws are in place for a reason, namely to keep people safe from harm and to protect the environment in which we live.

If you see or are aware of waste crime, you can report it by calling the Environment Agency's incident hotline on 0800 80 70 60 or call Crimestoppers anonymously on 0800 555 111.

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