

Company and contractor sentenced as failures led to evacuation in village

A company and a contractor have been fined following the evacuation of 30 homes in a Derbyshire village.

Residents in Wessington were forced to leave their properties on 21 June 2022 after Elliott Kirk struck an underground gas main with a mechanical post knocker.

Mr Kirk had been installing fencing around Belper Skip Hire Limited's farm on Brackenfield Lane after being contracted by the company.

The striking of the gas main led to over two million kilograms of gas being released, putting 30 homes in the surrounding area at risk of fire and explosion.

Sinead Martin, the investigating inspector at the Health and Safety Executive, said: "In this case, both Elliott Kirk and Belper Skip Hire Limited failed in their duties and, as a result, Mr Kirk and others in the vicinity were put at serious risk. It is extremely fortunate that this incident did not result in serious injury; had the gas ignited, the resulting explosion would have been catastrophic."

The HSE investigation found Belper Skip Hire Limited was made aware of the location of the gas main and had been advised by Cadent, the asset owner, in May 2022 that no ground penetrating works were to be carried out in the vicinity. Despite acknowledging receipt of this information, the company failed to pass it on to Mr Kirk and allowed the work to continue. Mr Kirk failed to obtain underground service diagrams prior to starting the work, and failed to take any other steps to check for the presence of underground services.

Belper Skip Hire Limited, of Ascot Drive, Derby, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £26,667 and ordered to pay £3,173 in costs at Derby Magistrates' Court on 2 December 2024.

Elliott Henry Kirk, of Castle Gate, Nottingham, pleaded guilty to breaching Regulation 16(2) by virtue of Regulation 25(4) of the Construction (Design and Management) Regulations 2015. He was fined £800 and ordered to pay £3,173 in costs at Derby Magistrates' Court on 2 December 2024.

HSE inspector Sinead Martin added: "Prior to breaking ground, contractors must take suitable steps to check for the presence of underground services. They must then adopt safe digging practices to ensure that no buried services are damaged as a result of their work. Commercial clients have a duty to pass on all relevant pre-construction information within their possession to contractors to enable them to manage the risks."

This HSE prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski and supported by HSE paralegal officer Melissa Wardle.

Notes to editors:

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
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. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences in England and Wales can be found [here](#) and for those in Scotland [here](#).