

# Press release: Charity payment after water company permit breach

The Environment Agency has accepted an Enforcement Undertaking which will see Northumbrian Water pay £375,000 to charities in the North East after it breached environmental permitting regulations.

The offer also includes actions for Northumbrian Water to improve its operations and infrastructure.

It follows a sewage pollution incident involving West Wylam pumping station, investigated by the Environment Agency on 18 February 2015.

A blockage upstream of the pumping station resulted in raw sewage overflowing into Park Burn, a tributary of the River Tyne, breaching its permit.

Investigations showed significant water quality impact at Park Burn, with sewage odour and litter visible, and ammonia and suspended solid levels above accepted levels. Surveys indicated there had been no significant impact on the invertebrate population in the burn, and there was no impact on the Tyne, due to the river size and flow of the river.

Northumbrian Water carried out an immediate clean-up of the polluted area after it was reported to them.

## **Wide range of measures**

The Environment Agency is making better use of the wide range of measures that are available to bring sites back into compliance as quickly as possible. Along with prosecutions, it uses enforcement notices, stop notices and civil sanctions to either improve performance or stop sites from operating.

The Environment Agency's use of civil sanctions is in line with recent legislation extending their availability for more offences.

Civil sanctions such as these can be a proportionate and cost-effective way for businesses to make amends for less serious environmental offences. The company must offer to restore or remediate the harm caused by the incident, and demonstrate they will change their behaviour and ensure future compliance with legislation.

## **Proportionate response**

Fiona Morris, Environment Manager with the Environment Agency in the North East, said:

We will always take forward prosecutions in the most serious cases and while we did initially consider prosecution, the company

submitted an EU which we subsequently accepted.

We felt it to be a more proportionate response that would benefit the environment – achieving more than if the company had been convicted and fined.

We work hard to protect people and the environment, and a clear regulatory framework with agreed standards and targets has helped to drive major environmental improvements over the last few decades.

We're continuing to improve our approach to ensure that we remain a fair and proportionate regulator.

The actions offered in the accepted EU, require Northumbrian Water to:

- Make donations to Tyne Rivers Trust (£134,500), Northumberland Rivers Trust (£59,500), Wear Rivers Trust (£48,500), Tees Rivers Trust (£58,500).
- Make a donation of £74,000 to Groundwork towards the Land of Oak and Iron Project.
- Make improvements to site operations and infrastructure, including updated sewerage records, an updated process for asset planning and management and refurbishment of West Wylam pumping station, as well as an accelerated programme of planned upgrades to sewer infrastructure in the area.
- Further inspections and surveys of the impacted area.
- Pay Environment Agency costs.

Failure to comply with an EU may result in the offender being prosecuted for the original offence.

[See the full list of the most recent enforcement undertakings](#)

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## **Guidance: Countryside Stewardship: hedgerows and boundaries grant manual**

### **2017**

*Updated: Option to apply online through Rural Payments service added.*

The hedgerows and boundaries grant is a standalone capital grant under Countryside Stewardship. Farmers and other land managers can apply for this grant to help provide environmental and landscape benefits on their land.

Apply for the hedgerows and boundaries grant from 1 February 2017 to 28 April 2017.

The manual provides information about the hedgerows and boundaries grant and how to apply.

You can apply:

- using the [capital grant application form and annex 1: hedgerows and boundaries](#)
- online through the [Rural Payments service](#)

See the main [Countryside Stewardship](#) page for more information.

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## **Press release: Business checked in pollution patrol**

Environment Agency officers visited 30 businesses in Washington, Tyne & Wear in an operation to tackle environmental pollution.

A team of eight officers spoke with business owners on the Swan Industrial Estates and the NEP Business Park to ensure they store and remove waste in accordance with the law as well as carrying out general pollution prevention inspections looking at drainage, and waste and oil storage. They also checked waste transfer notes and whether they were required to be a registered waste carrier.

During the exercise they identified a drain water pollution violation, a potential illegal waste site and a business that was illegally burning cardboard. Overall they found that most businesses were doing well.

Environment Officer, Katherine Dowling, who led the campaign, said:

It was a very useful and successful exercise. We're working hard to raise awareness and ensure businesses are following their duty of care responsibilities, including making sure any waste they produce is handled responsibly and legally.

This helps minimise the impact on communities and the environment that we all enjoy. It was pleasing to find that most businesses we visited are aware of and operating in line with the regulations.

The Environment Agency regularly receives reports from nearby residents of noise, litter and odour from the Industrial Estate, which is home to several

waste operators and other businesses including metal works, fast food outlets, manufacturers, accident repair centres and IT centres.

The patrol specifically targeted non-waste operators in a bid to assess, record and reduce their potential contribution to pollution in the area.

Officers spoke to businesses about rats, litter, noise and odour and gave advice and guidance. All businesses will receive a follow up letter regarding their responsibilities under environmental legislation, which includes ensuring their waste is collected by a registered and licensed contractors with the correct paperwork.

Other follow up actions include writing to landlords and liaising with Sunderland City Council regarding fast food outlets.

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## **Press release: Farmers warned after court issues £19,000 fine**

Farmers are being warned of their responsibilities to properly store slurry and silage after a dairy farmer and his company were fined £19,162 for twice polluting a protected watercourse.

John Laing and his company Dalbury Ltd, which operates New Heaton Farm in Cornhill-on-Tweed, Northumberland, was sentenced at Newcastle-upon-Tyne Magistrates' Court on 25 January 2017, after pleading guilty to two charges of polluting a tributary that flows into the River Till and another for failing to improve a silage storage unit.

Chris Bunting, prosecuting for the Environment Agency, advised the court that little had been done to prevent the continued leaking of silage into the watercourse to date since the initial incident in June 2014.

This is in contravention of the regulations, which requires farmers to ensure that slurry and water stores, silage clamps and diesel tanks are built to minimise the risk of their contents polluting water or land.

### **Significant negative impact**

Environment Agency officers inspected New Heaton Farm on 16 June 2014 after responding to a report of pollution on the River Till tributary 1.5km downstream.

The tributary, which flows into a Site of Special Scientific Interest (SSSI), was showing signs of sewage fungus and discolouration corresponding with pollution caused by silage and slurry. Pollution was subsequently found to extend over 4km downstream and had a significantly negative ecological

impact.

On the farm officers found a large amount of silage effluent flowing from a defective silage store into surface water drains that fed directly into the watercourse.

On 10 October 2014, Environment Agency officers served a notice on Dalbury Ltd requiring the company to carry out improvements to the silage in line with regulations. A further inspection on 1 June 2015 revealed that the works had still not been completed and silage effluent continued to leak into the watercourse.

### **Insufficient funds to fix problem**

In mitigation the defendants apologised and explained that the continued cripplingly low price paid to dairy producers over recent years meant the farm had insufficient funds to fix the problem.

Passing sentence, District Judge Kate Meek ruled that the offenders' culpability had been high, and ordered that the defective silage clamp be brought up to standard by 30 June 2017 otherwise further action could be taken.

Neil Paisley, Senior Agriculture Officer at the Environment Agency, said:

John Laing and Dalbury Ltd repeatedly showed a disregard for the law and a disregard for the environment.

Pollution of any watercourse is a serious offence because of the devastating impact it can have on fish, wildlife and ecosystems. We will take action against anyone who fails to act in accordance with environmental laws.

Regulations governing the design of slurry stores, silage clamps and diesel tanks have been in place since 1991 yet we regularly come across new farm structures that are not compliant. Farmers need to be aware of their legal responsibilities.

Anyone planning to build structure must contact the Environment Agency before starting work. Not only will this ensure their plans are compliant, it will save them money in the long run.

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**Press release: Environmental charities**

# receive over £1.5 million from businesses which broke environmental laws

*Updated: Change of tense in one paragraph*

Companies which broke environmental laws – either by polluting rivers, breaching permit conditions designed to protect communities or avoiding recycling – have agreed to make payments to a range of charities and have pledged to make improvements to avoid future offences.

30 charities and projects will benefit from the bumper pay-out of £1,564,761.09. The money will be spent by local groups on projects that will make a direct positive impact on the environment. Stretches of rivers will be cleaned up, native species will be restocked into rivers and communities groups will invest in parkland for everyone to enjoy.

There are 26 Enforcement Undertakings on the new list with payments ranging from £1,500 – £375,000, including 6 companies that have agreed to make 6 figure payments:

- Northumbrian Water Limited (£375,000) for pumping raw sewage into a tributary of the River Tyne.
- Filippo Berio UK Limited (£253,906.91) for failing to recover or recycle packaging waste.
- Anglian Water Services Limited have made two separate payments (£100,000 and £100,000) both for causing pollution incidents which killed fish.
- Heineken UK Limited (£160,000) for causing a pollution incident which killed fish.
- Kerry Ingredients UK Limited (£127,975) for causing a pollution incident which killed fish.
- Sandoz Limited (£120,932.23) for failing to recover or recycle packaging waste.

As well as making a suitable payment to an appropriate environmental charity, each company has accepted liability, demonstrated restoration of harm and invested to reduce the risk of similar breaches occurring in future.

The Environment Agency's ability to accept Enforcement Undertakings was extended in 2015 to a far wider range of offences. The Environment Agency is increasingly using this method of enforcement for suitable cases to swiftly restore the environment, improve practices of the offending company and avoid longer criminal court cases. However prosecutions will still be taken, particularly in the most serious cases.

Peter Kellett, Legal Director for the Environment Agency said:

We take pollution incidents very seriously and the payments of £1.5 million we're announcing today are the result of our firm but fair enforcement action and will benefit people and the environment across the country.

Enforcement Undertakings allow those who commit offences to restore the environment and to take steps to prevent a recurrence. When appropriate, they allow a quicker resolution than a prosecution and help offenders who are prepared to take responsibility for their actions to put things right with their local communities.

Stephen Trotter, Director, The Wildlife Trusts England, said:

The principle that a polluter should make amends for the damage they've caused makes good sense. We all depend on a healthy environment and this positive scheme allows some natural improvements to be funded which otherwise wouldn't happen. Clearly it would be better if these incidents hadn't happened in the first place – but at least something positive has come out of it.

Hertfordshire & Middlesex Wildlife Trust will use the money to help conserve and protect rare chalk streams and Surrey Wildlife Trust will support a range of projects including care of their heathlands through conservation grazing and Hedgerow Heroes, a citizen science project, to restore the remarkable network of hedges across the county that act as green corridors for wildlife.

The Wildlife Trusts also welcome the deterrent effect that these Enforcement Undertakings should have. It's really important that people understand their responsibilities and care for the natural world – it's also cheaper and makes business sense to do things cleanly than risk causing damage and pollution.

Restoration projects are in addition to work initially carried out to minimise environmental damage caused by pollution. Companies or members of the public are urged to report pollution to the Environment Agency's 24/7 hotline on 0800 80 70 60. Environment Agency officers respond to limit damage to the environment and protect people and wildlife.

Several six-figure payments have been made for not recovering and recycling packaging. All companies producing packaging have a responsibility to recycle or pay for recycling to compensate and failure to follow packaging regulations will result in enforcement action and financial penalties.

- The list of enforcement undertakings is published here:

<https://www.gov.uk/government/publications/enforcement-undertakings-accepted-by-the-environment-agency>