

# Press release: Scrapyard permit dodger claims end-of-life vehicles were for resale

The owner of an Exeter scrapyard has been given a suspended prison sentence for operating an illegal vehicle dismantling business.

Max Newbery was also ordered to pay £8,470 costs at the end of a 2-day trial before Exeter magistrates. The case was brought by the Environment Agency.

The court heard that in March 2014, the Environment Agency suspended the defendant's environmental permit after he failed to pay the site's annual permitting fee over a period of 5 years.

The scrapyard, at Barley Villas Yard, Redhills, Exeter, continued to accept vehicles despite it no longer being a permitted facility. Between 27 March 2014 and 25 February 2016 a minimum of 51 vehicles were accepted at the scrapyard.

When questioned, Newbery claimed he bought the vehicles with the intention of selling them on. He refused to accept they were waste as defined by the 2008 Waste Framework Directive which states that waste is 'any substance or object which the owner discards or intends or is required to discard'.

Two women who took cars to the defendant's scrapyard both said they were disposing of their vehicles. One described her's as 'Scrap, not a goer' and the other, 'Nobody would buy it.' An Environment Agency officer, who visited the site, said in his professional opinion, all the cars brought to the scrapyard were end-of-life vehicles.

When questioned about the poor condition of some of the vehicles, Newbery claimed they had been 'vandalised by children', yet there was no CCTV at the site and little in the way of security to safeguard the vehicles he insisted were suitable for re-sale.

In addition to suspending his permit, the Environment Agency served Newbery with an Enforcement Notice requiring him to carry out improvements to the infrastructure of the scrapyard to minimise the risk of pollution and protect human health. Newbery said complying with the notice would be 'expensive' and it was therefore 'unreasonable' of the Agency to expect him to do so.

Magistrates were told the defendant's business had an annual turnover of more than £50,000 and that he had recently obtained planning permission for the site. This had increased its value to around £600,000 and had prompted Newbery to try to sell it.

Jacob Hess of the Environment Agency said:

Scrapyard operators are required by law to put in place appropriate environmental safeguards to protect human health and the environment. The defendant continued running his scrapyard without making any of the legally required infrastructural improvements.

He avoided investing in the business as this would eat into his profits and continued making money from an illegal site.

Appearing before Exeter magistrates, Max Newbery, of Barley Villas Yard, Redhills, Exeter

received a 24-week prison sentence, suspended for 2 years, and was ordered to pay £8,470 costs after being found guilty of operating a regulated waste facility without a permit and failing to comply with an enforcement notice in contravention of the Environmental Permitting (England and Wales) Regulations 2010.

### **Editor's notes**

Environmental permits are necessary to minimise the risk of pollution or harm to human health from operations at waste sites such as scrapyards. There are set procedures for de-polluting and dismantling of end-of-life vehicles that contain potentially hazardous substances including engine oil, clutch fluid, coolant, brake fluid, gearbox oil, lead acid batteries, power steering fluid, screen wash, fuels, CFC's and lead wheel balancing weights.

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## **[Press release: Plymouth Skip Hire boss nearly jailed for dumping rubble](#)**

A judge has told a Plymouth man he escaped prison 'by the skin of his teeth' in a case brought by the Environment Agency.

Connor Calam fly-tipped waste on the edge of Dartmoor while subject to a suspended prison sentence for driving offences. The custodial sentence was very nearly activated by Exeter Crown Court.

The court heard a farmer found a large quantity of rubble and other waste deposited across a track near Pudson Farm, Okehampton in January 2017. The waste blocked access to three of his fields. The farmer reported the incident to the Environment Agency and local council and was told he would have to pay for its removal and safe disposal.

Enquiries by the Environment Agency traced the waste back to Plymouth Skip Hire in Stonehouse, Plymouth operated by Connor Calam, also known as Riley James.

The building waste came from insurance repairs carried out on a property in Plymouth by a local company that paid the defendant £245 to remove the material on the understanding he was a registered waste carrier.

Plymouth Skip Hire ceased trading in April 2017. Zenith Construction Ltd, whose waste was illegally tipped by the defendant, later paid for its removal as a goodwill gesture to the farmer.

Phil Butterworth of the Environment Agency said:

This prosecution is a timely reminder to businesses and home owners to ask three simple questions when getting someone in to dispose of their waste.

Is the person registered with the Environment Agency as a waste carrier – ‘ask for proof’? Where do they intend to take the waste and can they provide a receipt? If they can’t provide satisfactory answers to these questions, don’t hand over your waste.

Appearing before Exeter Crown Court for sentencing on Tuesday 6 March 2018, Connor Calam, of Seaview Avenue, Lipson, Plymouth was fined £2,000 for breaching a suspended prison sentence and ordered to pay £2,500 costs. He was also made the subject of a 12-month community order, ordered to pay £260 compensation to Zenith Construction Ltd plus an £85.00 victim surcharge.

His Honour Judge Ralls QC said ‘Fly-tipping in a beautiful part of the country is a serious matter’ and warned the defendant he’d escaped being sent to prison ‘by the skin of his teeth.’

The sentencing followed an earlier hearing where the defendant was found guilty of disposing of controlled waste on land at Pudson Farm, Okehampton between 10 and 27 February 2017 without an environmental permit contrary to Section 33 of the Environment Protection Act 1990.

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**Notice: PE7 3AG, Kingsley Beverage**

## **Limited: environmental permit application advertisement**

The Environment Agency consults the public on certain applications for waste operations, mining waste operations, installations, water discharge and groundwater activities. The arrangements are explained in its [Public Participation Statement](#)

These notices explain:

- what the application is about
- how you can view the application documents
- when you need to comment by

The Environment Agency will decide:

- whether to grant or refuse the application
- what conditions to include in the permit (if granted)

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## **Notice: Parrett Internal Drainage Board: reconstitution**

The Environment Agency has submitted to the Department for Environment, Food and Rural Affairs, for confirmation a scheme under Section 3 of the Land Drainage Act 1991 making provision for the following matters:

- the reconstitution of the Parrett Internal Drainage Board so as to reduce the number of elected members of the Board to 12
- matters supplemental to or consequential on that reconstitution