


Perthshire men prosecuted for illegal landfill site and waste transportation

 11 April 2018

A Perthshire man has been fined a total of £4,000 at Perth Sheriff Court for waste offences at a site just outside Blairgowrie and another received a 200 hour Community Payback Order and a £2,500 Confiscation Order.

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Alistair Roy pled guilty to two charges relating to waste that was deposited, kept and burnt on the site he owns. He pled guilty on 6 December 2016 and was sentenced to a 200 hour community payback order on 26 March 2018. On 6 April 2018 he received a Confiscation Order for £2,500 under the Proceeds of Crime (Scotland) Act 1995.

Derek Mollison, who trades as Mollison Construction, pled guilty on 11 October 2016 to charges relating to the illegal transport and disposal of waste, and failing to ensure the waste was passed to an appropriate person. He was fined a total of £4,000.

The matter was investigated by the Scottish Environment Protection Agency (SEPA) and reported to the Crown Office and Procurator Fiscal Service (COPFS).

Terry A'Hearn, SEPA's Chief Executive, said:

"Every day SEPA works to protect and enhance the environment. We are clear that environmental compliance is non-negotiable. This is at the very core of our One Planet Prosperity Strategy. We have a good track record of compliance in Scotland but unfortunately we do have some people and businesses that occasionally don't meet those standards. When that's the case it's our job to make sure such people are held to account.

"Illegitimate operators and waste carriers like Mr Roy and Mr Mollison not only risk our environment with their illegal behaviour, they also undercut compliant operators by flouting the regulations. We are disappointed that these activities took place, despite the best efforts of SEPA officers, but we are pleased they have been held to account.

"We hope this successful prosecution sends a strong message to everybody operating in Scotland. SEPA is here to make sure that action will be taken if you don't pay attention to your environmental responsibilities."

The offences took place at the site of a partially completed house just outside Blairgowrie, known as Winterpark. The mixed waste was made up of soil and stones, plastic items, wood, tree roots and stumps, metal, gravel, bricks, concrete, tiles, ceramics, plasterboard, garden waste, insulation, clothing, glass, cardboard, electrical goods, furniture, asbestos sheeting and tarmac. Mr Roy did not have a waste management licence for the site which would allow such waste to be kept there.

SEPA officers estimated in the region of 30 tonnes was present, though it is difficult to be precise as some waste has been buried or blended into the profile of the land. Some waste was stored in piles, some of it was buried on site and some was tipped directly into a tributary of the Lunan Burn, which flows into the River Tay. A large quantity (approximately 10 tonnes) of mixed waste was also burned on site by Mr Roy.

Despite several requests from SEPA Mr Roy permitted others to deposit waste at the site and failed to secure it to prevent the further deposit of controlled waste by others. The waste remains on site.

Mr Mollison was reported to the Procurator Fiscal for transporting waste as part of his business without being a Registered Carrier of Waste. SEPA assesses all waste carrier registrations to ensure they are granted to a “fit and proper person”. Under what is known as Duty of Care he was supposed to ensure waste he produced as part of renovation of a property in Alyth was kept secure and only given to someone authorised to accept it. He failed to do this and the waste ended up being deposited at Winterpark.

Calum McGregor, SEPA’s investigating officer, said:

“Mr Roy was essentially running Winterpark as an illegal landfill site and waste transfer station. A legal facility would have authorisation from SEPA to ensure protection of the environment, including requirements for containment of potentially harmful emissions to the environment, site security, controls over the type of waste accepted and protection of any nearby watercourses. None of these were in place at Winterpark. In addition, SEPA would never have permitted the waste to be burnt in an open bonfire.

“At the time of the offence Mr Mollison should have been registered with SEPA as a Carrier of Waste. Regulating the transport of waste is essential to ensure that waste is taken to an appropriate disposal or treatment site and to prevent flytipping.

“We hope this case is also a reminder to anyone who entrusts their waste to others. You have a duty of care too – you must ensure your waste only goes to a carrier that is appropriately registered. You can find out more on our [website](#).”

Ends

Notes to editor

The exact charges Derek Mollison pled guilty to were:

- Between 1 May 2014 and 13 November 2015, both dates inclusive at Perth and Kinross Council Blairgowrie Recycling Centre, Welton Road Industrial Estate Blairgowrie, at Winter Park, by Marlee Mill, Blairgowrie, PH10 6QX, Toutie Studio, Lower Bank Street, Alyth Riverlodge, Balmoral Road, Blairgowrie, and elsewhere you DEREK MOLLISON did in the course of your business, namely Mollison Construction or otherwise with a view to profit transport controlled waste, namely inter alia inert waste comprising soils and mixed excavated material, various spotlights, tiles, various pieces of art work, fittings, plasterboard, a toilet, corner sink, an immersion heater, packaging, and stone blocks when you were not a registered carrier of such waste; CONTRARY to the Control of Pollution (Amendment) Act 1989, Section 1 (1). – **fine £1,500**
- Between 1st May 2014 and 17th April 2015 both dates inclusive at Toutie Studio, Lower Bank Street, Alyth and Riverlodge, Balmoral Road, Blairgowrie you DEREK MOLLISON being a person who produces, carries, disposes and has control of controlled waste, namely inter alia packaging waste, plasterboard, a ceramic toilet, ceramic sink, tiles, electrical items, utility sink unit, and approximately thirty sections of a stone wall comprising rectangular blocks and coping stones, did fail to take all measures applicable to you as were reasonable in the circumstances, on the transfer of said waste, to secure (i) that the transfer was only to an authorised person or a person authorised for transport purposes and (ii) that there was transferred such a written description of said waste as would enable other persons to avoid a contravention of section 33 of the aftermentioned Act or any condition of a permit granted under the Pollution Prevention and Control (Scotland) Regulations 2012 and to comply with the duty under Section 34(1)(b) of the aftermentioned Act as regards the escape of waste in that you failed to pass waste that you were in control of to an authorised person or a person authorised, you failed to provide any written description of the waste to the person the waste was transferred to and failed to take any steps to ensure that the waste was disposed of or treated at an appropriately licensed facility; CONTRARY to the Environmental Protection Act 1990, Section 34(1)(c)(i) and (ii) – **fine £2,500**

The exact charges Alistair Roy pled guilty to were:

- Between 1st May 2014 and 4th February 2016 both dates inclusive at in or on land at Winter Park, by Marlee Mill, Blairgowrie, PH10 6QX you ALISTAIR STEWART ROY did keep and knowingly permit to be deposited controlled waste, namely inter alia soil and stones, plastic items, wood, tree roots and stumps, metal gravel, bricks, concrete, tiles, ceramics, plasterboard, garden waste, insulation, clothing, glass, cardboard, electrical goods, furniture, asbestos sheeting and tarmac in and on said land otherwise than in accordance with a waste management licence in that the said controlled waste, including special waste, was kept in piles on the land there, dug into or buried in the land there and left lying in the river or waterway there; CONTRARY to the Environmental Protection Act 1990, Section 33(1)(b)(i) and (1)(a) and (6) as amended

- Between 17th April 2015 and 6th May 2015 both dates inclusive at Winter Park, by Marlee Mill, Blairgowrie, PH10 6QX you ALISTAIR STEWART ROY did treat and dispose controlled waste, namely inter alia wood, plastic items, plasterboards, garden waste, insulation, clothing, cardboard, furniture and electrical items to be treated and disposed of in and on said land otherwise than in accordance with a waste management licence in that you did burn waste on land there; CONTRARY to the Environmental Protection Act 1990, Section 33(1)(b) – **given 200 hours community payback order for both offences and a £2,500 Confiscation Order**