

Businessman fined for breaches of environmental permit

Businessman Philip Eardley, sole director of A Morrey Distribution Limited (AMD), faces a bill of £84,000 for failing to comply with an enforcement notice requiring him to submit a Fire Prevention Plan for a former permitted site at Garner Street, Stoke-on-Trent.

The 69-year-old of The Holborn, Madeley, near Crewe, was yesterday fined £1,000 for failing to comply with an enforcement notice and ordered to pay £50,000 in prosecution costs. In addition, Philip Eardley must pay a confiscation order of £33,000. That sum is to be paid as compensation to the Environment Agency and will go towards making the site safe. A default prison sentence of 12 to 18 months could be triggered if he does not pay.

Philip Eardley had pleaded guilty to 4 offences in June 2017. A Morrey Distribution Limited also entered guilty pleas to 4 similar charges of breaching permit conditions, contrary to the Environmental Permitting (England & Wales) Regulations 2010 between November 2014 and April 2016. The sentencing hearing took place remotely at Stoke-on-Trent Crown Court using Skype conferencing facilities due to current Covid-19 restrictions.

There was no separate penalty for offences committed by the company due to its financial status.

Proceedings were brought by the Environment Agency and the court heard that AMD had been granted an environmental permit to store Refuse Derived Fuel (RDF) on a temporary basis at the Garner Street site. During 11 inspections between 2014 and 2016 Environment Agency officers noted that bales of RDF were being stockpiled over the limits allowed by the permit. In total, approximately 18,000 tonnes of waste was deposited and stored in 3 different buildings across the site. Some of the RDF bales were degrading and leaching a black liquid and giving off a foul odour. Concerns were raised by the Environment Agency. However, Philip Eardley failed to carry out any action to reduce the risk of fire at the site, even after a suspension notice was issued. The environmental permit was later revoked.

The RDF bales presented an ongoing risk of self-combustion, with potentially very serious consequences given the site's proximity to the A500 D-road and the west coast main railway line.

In passing sentence His Honour Judge Glenn noted that breaches had occurred very shortly after the environmental permit had been issued by the Environment Agency. He stated that Philip Eardley had been 'utterly stupid' to have entered into an arrangement with a third party to accept the bales without a proper written agreement between the parties. Credit was given for early guilty pleas entered in 2017 by AMD and Philip Eardley. HHJ Glenn acknowledged that all parties had genuinely attempted to find a solution that would enable the site to be cleared of all waste and that this had delayed

the conclusion of criminal proceedings.

Speaking after the case, Adam Lines from the Environment Agency said:

Eardley showed no consideration for the environment and the local community by operating a large scale waste site – beyond the level of the permit – at the former Twyford’s site. There was a very serious risk of fire at this facility which would have had grave implications for the surrounding areas. His actions undermined legitimate businesses and that of the wider local economy.

The Environment Agency takes waste crime very seriously and we will use all powers available to us to pursue those who flout the regulations. We gave Mr Eardley every opportunity to comply with those regulations but he ultimately took no action. Our safeguarding responsibilities gave us little choice but to suspend operations at the site and pursue a prosecution.

The Environment Agency is now facilitating the sale of the site so that it can be cleared.

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1. 16 April 2020

Added links to guidance for Northern Ireland, Scotland and Wales.

2. 8 April 2020

First published.

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