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September 2023

Environmental News Bulletin

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Change of Address – Impact to Permits, Licences and Consents (PCL's) – ENV23-03

Overview

As of Friday 31st March 2023, Network Rail Infrastructure Limited's (NRIL) primary address changed from:

**1 Eversholt Street
London
NW1 2DN**

To:

**Waterloo General Office
London
SE1 8SW**

Environmental permits, licences, and consents (PLCs) held (directly) by NRIL require its registered address to be provided.

What do you need to do?

If you are accountable for an existing environmental PLC that is currently registered to NRIL at the Eversholt Street address, you must apply to the relevant regulator to make a change to our registered address.

The Company Secretary has provided a standard letter that may be used for the purpose of update (N.B. for amendments to PLCs you must still use the templates mandated by each regulator).

Discussion Points:

What do you need to know?

The information provided in the application of any environmental PLC forms part of legally binding documentation.

As such, all details must be accurate and up to date.

PLCs from statutory authorities such as the Environment Agency (EA), Natural Resources Wales (NRW), Scottish Environmental Protection Agency (SEPA), Natural England (NE), Nature Scot and Marine Management Organisation (MMO) each have their own processes for updating information within their PLCs.

Prior to changing details of a PLC its important to note which organisation holds the PLC. For many Capital Delivery projects, PLCs are held by the Principal Contractor, not Network Rail. A PLC in the name of the Principal Contractor is likely to be unaffected by this change.

Failing to update a PLC when required, even for an administrative change, may mean the licensee is non-compliant with the licence i.e. there may be conditions requiring that information to be kept up to date. There are a wide range of legal implications for failing to comply with a PLC. Practically, the statutory authority granting a PLC needs the correct information to contact NRIL about matters for that PLC.

Please contact your regional/functional environmental/sustainability professional or consents manager for assistance where required.

Four Men Sentenced Over Illegal Waste Site

A fourth man operating from a Skegness waste site has been sentenced following an investigation by the Environment Agency. He was sentenced on the 25 May following that of three other men earlier that month.

On the 8 June 2015, the site's environmental permit was transferred to East Coast Recycling Properties Ltd, which was run by two of the men. This permit allowed for the processing of mixed waste with a view to extracting recyclable materials.



The Environment Agency began to conduct inspections at the site shortly afterwards and quickly found failings. The site's permit required a fire-prevention plan to be in place to avoid a serious blaze and protect the environment.

Inspections found that waste was being stacked too high and too close together, creating a fire risk. The waste had also become a health risk following an influx of mice and a problem with flies. As a result, the Environment Agency suspended the site's permit, stopping new material from being brought in between December 2015 and February 2016.

The environmental permit for the site was revoked fully in March 2017 and the businesses were ordered to clear the site fully. The site was later searched under warrant where evidence was found to show waste moving on and off the site despite the restrictions put in place by the Environment Agency.

Amongst this evidence was a diary owned by the director of the on-site security company, which highlighted a day when waste could not be brought onto site because of a visit by Environment Agency officers. This showed that he knew that waste could not be brought onto site and was trying to avoid Environment Agency-imposed restrictions.

Yvonne Daly, an environment manager at the Environment Agency, said: "Waste crime is serious because it causes widespread and significant harm: to people, places, the economy, to law and order, and to the environment".

"Any breaches of environmental permits and illegal waste activity are taken very seriously. We will take the necessary action to disrupt criminal activity and prosecute those responsible".

"We support businesses trying to do the right thing and genuinely comply, but we will issue enforcement notices, and use our regulatory powers when appropriate".

"The defendants were told to remove waste and ensure safety on the site on numerous occasions but failed to do so".

"Anyone with suspicions of waste crime can call our incident hotline, 0800 807060, or Crimestoppers, on 0800 555111".

Source: Cedrec

Environment Secretary says "polluters must pay"

Under new legislation announced by the government, those that pollute the environment will face unlimited penalties.

The current limit of £250,000 on variable monetary penalties that the Environment Agency and Natural England can impose directly on operators will be lifted, following a government consultation which received widespread public support.

This will offer regulators a quicker method of enforcement than lengthy and costly criminal prosecutions, although the most serious cases will continue to be taken through criminal proceedings.

New powers will also allow these higher penalties to be levied as a civil sanction for offences under the Environmental Permitting (England and Wales) Regulations SI 2016/1154, the regime under which the majority of Environment Agency investigations take place.

This will ensure regulators have the right tools to drive compliance across a range of sectors, strengthening enforcement and holding all who hold environmental permits, from energy and water companies to waste operators and incinerators, to greater account.

Environment Agency Chair, Alan Lovell, said: "We regularly prosecute companies and individuals through criminal proceedings, but these new powers will allow us to deliver penalties that are quicker and easier to enforce, even though the most serious cases will continue to go to court".

"That should be an important deterrent – boosting compliance across a range of sectors, driving down pollution and safeguarding the ecology and prosperity of our natural world".

There are clear provisions in the Sentencing Council guidelines that will ensure the level of penalties levied are proportionate to the degree of environmental harm and culpability. These include safeguards to ensure the operator's ability to pay, the size of the operator, and the degree of responsibility and harm, amongst others, which are all taken into account when imposing a penalty.

The amendments to legislation will be approved by both Houses of Parliament in due course before coming into force.

As set out in the government's Plan for Water, future environmental fines and penalties from water companies will be re-invested into the government's new Water Restoration Fund. This fund will deliver on-the-ground improvements to water quality, and support local groups and community-led schemes which help to protect our waterways.

River catchment groups, bringing together local NGOs, councils, government agencies, and farms, working together in catchments across the country, will benefit from this funding.



Source: Cedrec

Is All That is Written about Japanese Knotweed True or False?

There are many articles online written regarding Japanese Knotweed. Our surveyors at IVM meet numerous homeowners and construction professionals every year and we hear many myths and rumours regarding Japanese Knotweed.



In an attempt to clarify some of the more common myths, read and follow:

It is illegal to have Japanese Knotweed on your property.

Not true.

Under the Wildlife and Countryside Act 1981 section 114 (2) (WCA 1981) Japanese Knotweed is classed as a controlled plant.

This means there are certain rules and regulations that you need to abide by when it comes to having Japanese Knotweed on your property.

If you notice Japanese Knotweed on your property, you are not breaking the law. However, if you allow the plant to spread from your property onto neighbouring properties or land then that's when it becomes a legal issue.

Your neighbours can report you if you do not take appropriate action to stop the spread of the invasive weed.

Japanese Knotweed is poisonous.

Not true.

Japanese Knotweed is not poisonous and is harmless when touched, in fact, it's been used medicinally and used in food and drinks for decades.

However, caution must be taken when in close proximity to avoid accidentally allowing the invasion to spread.

The tiniest fragments of Japanese Knotweed on your shoes or clothing can be enough to start a new infestation in a different location – please do not attempt to eat any parts of a Japanese Knotweed plant that may be undergoing a herbicide treatment programme.

Japanese Knotweed cannot damage your property.

Not True.

Japanese Knotweed can damage walls, driveways and foundations, but what it can't do is grow through concrete.

The way that Japanese Knotweed causes damage is by exploiting existing cracks in our homes and gardens.

It forces its bamboo-like shoots up through the cracks which can cause the cracks to become bigger. Over time, as the infestation continues to spread, this can become widespread damage that's not easy to fix.



You can get rid of Japanese Knotweed in one year with chemicals.

Not True.

Japanese Knotweed is a very strong and powerful plant, a single season of herbicide treatments may seem to kill the plant if the herbicides are applied at high dose rates, but in reality, the Knotweed will just be forced into dormancy and will return in the following years.

At least two years of herbicide treatments followed by post treatment monitoring is the minimum to successfully control an area of Japanese Knotweed.

The best way to get rid of Japanese Knotweed is cover it in plastic/pour bleach on it/cover it in salt/drench it in fairy liquid.

Not True.

We hear hundreds of these 'home-made remedies' to control Japanese Knotweed every year – none of them work, most of them do absolutely nothing to the Knotweed, some of them actually make the Knotweed harder to control from a specialist point of view.

Source: Invasive Vegetation Management & Treatment Ltd

Waste criminal disqualified from being a company director

A MAN has been banned from being a company director for three years after his company dumped asbestos contaminated waste on land in Northumberland.

He's also been ordered to pay compensation of more than £7,000 to the landowner, who was left to clear up the mess.

Grant Brown, 35, of Brampton Gardens, Throckley, Newcastle, appeared at Newcastle Magistrates' Court for sentencing on Thursday 14 September after previously pleading guilty to allowing his company to cause waste to be dumped on farmland in Stocksfield, failing to comply with duty of care legislation, and failing to produce waste transfer notes.



He was fined £1,125 and ordered to pay compensation to the landowner of £7,071.20, which is the amount not covered by their insurance for the clearance. Brown will also pay costs of £3,101 and a victim surcharge of £113 and is disqualified from being a company for three years.

Brown, trading as GB Waste Management and operating out of Bells Close Industrial Estate in Lemington, claimed to collect and dispose of waste.

The court heard that on 1 September 2021, an Environment Agency officer attended the Bells Close site to investigate a report of an illegal waste site. It was confirmed Brown's company did not have an environmental permit, which is required to minimise the impact on the environment. The site had several skips full of waste including bricks, tiles, plasterboard, wood and soil.

During a follow up visit with Newcastle City Council in November, Brown told officers the company had been dissolved and all skips and trucks had been sold. He said the site would be cleared.

However, at the end of the same month, a post on the company's Facebook page showed before and after images of a pile of waste cleared from a residential garden, evidence that the company was still active.

Overnight on 25 November 2021, 20 tonnes of waste were dumped on farmland at Stocksfield. Personal identifiable items were found amongst the construction and domestic waste which the Environment Agency traced back to Brown's company.

During clearance of the waste – which cost the landowner more than £32,000 – asbestos was found on site, which was traced back to the clearance of a Newcastle City Centre property.

Additionally, during the investigation, the Environment Agency asked for all waste transfer notes for the company produced during 2021. Every person who produces, carries, keeps or disposes of waste is subject to duty of care legislation to ensure the waste is managed appropriately, which includes ensuring the transfer of waste is recorded. Only those created by other companies were produced.

Source: Health and Safety Matters

Geismar/MAN 18T MEWP Stabiliser Leg Failure: NRA-23-12

Overview

In North West and Central, a Geismar 18T MEWP was found to have a stabiliser foot assembly that had become completely detached from the stabiliser leg.

The stabiliser legs are used in conjunction with the crane and can also be used to increase the reach of the basket.

Investigations are ongoing, but initial inspections have indicated that a combination of wear and corrosion have led to the single bolt connecting the foot assembly to the stabiliser leg failing.



Immediate Action Required:

- All stabiliser legs and feet assemblies to be thoroughly inspected by a competent person.
- Do not use the stabiliser legs on the Geismar 18T MEWPs until the inspection has been completed and any required remedial work has been carried out.

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Briefed By:		Briefers Role:	
Briefing Date:		Briefers Signature:	
Sentinel Coordinator:		Sentinel Coordinator Signature:	

By signing below, I confirm that I have received and understood the briefing material contained within this bulletin.

NAME	SENTINEL NUMBER	SIGNATURE