

## News Release

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### **Blackburn waste offender prosecuted**

A Director of a former Lancashire waste plastics recycling business has been handed an eight month suspended sentence, suspended for two years, and ordered to complete 120 hours of unpaid work after his company breached its environmental permit, failed to comply with enforcement notices and continued to deposit waste despite suspension and subsequent revocation of its permit.

David Holt (50) of Brockhall Village, Blackburn, was sentenced today (Thursday, 04 January 2018) at Preston Crown Court after admitting three environmental offences relating to the operation of the former V10 Polymers Ltd waste plastics recycling business at Rockcliffe Works, Paterson Street, Blackburn.

The Environment Agency became aware of problems at the site in 2012 after complaints from members of the public. At that time, V10 Polymers Ltd was operating a waste plastics recycling business from the Rockcliffe Works site.

Due to concerns about the way the site was being operated, the Environment Agency served a formal notice requiring the company to remove all controlled waste from the site. It also advised the company to apply for an environmental permit if it wished to continue waste operations at Rockwell Works.

The Environment Agency made clear that any permit issued would require storage of combustible waste at the site to be improved and meet minimum fire prevention standards.

David Holt made an application for a permit for the site and included detailed proposals as to how the waste would be stored in the future to meet the requirements of the permit. The Environment Agency issued an environmental permit to V10 Polymers Ltd in response to this application.

However, the first inspection of the facility following the issue of the permit in April 2014 revealed excessive quantities of plastic waste stored in a manner that presented a fire risk and in breach of the company's environmental permit.

Due to the Environment Agency's concerns about the fire risk, a number of joint inspections were undertaken with Lancashire Fire and Rescue Services.

The Environment Agency sought to work with Mr Holt, who was in day to day charge of the company's operations, to bring about improvements in the storage arrangements and implement a mandatory fire prevention plan at the site. However, Mr Holt failed to adequately respond to those interventions.

This led the Environment Agency to revoke the site's environmental permit from February 2016, further requiring the company to take steps to remove all remaining waste from the site by 21 March 2016.

The Environment Agency decided to prosecute after the company continued to illegally operate, despite the revocation of its permit, and failed to tackle the fire risk posed by excessive stockpiles of waste.

Environment Agency Officer, Karl Hunter said, "The operators of waste recycling facilities have a legal duty to comply with the requirements of their environmental permit to prevent the risk of harm to people and the environment."

"In this case, David Holt deliberately stored an excessive quantity of combustible waste for a number of years without taking the necessary fire prevention measures. He failed to implement a fire prevention plan and repeatedly failed to act on notices served by the Environment Agency to do so. Even when the Environment Agency revoked the company's permit, he continued to ride roughshod over our legislative requirements and accept waste into the site, illegally."

"The fire at the site on 21 August 2017, and three subsequent fires have had a significant impact on local residents and businesses and demonstrated that our concerns were well-founded. In September 2017 we used our emergency powers to create fire breaks within the waste, which significantly reduced the size and duration of subsequent fires. Had David Holt produced and complied with an adequate fire prevention plan, installing fire breaks within the waste, it would have greatly reduced the consequences of fires at the site."

"We hope the court's sentencing decision demonstrates the importance of companies adhering to their environmental permits."

On hearing mitigation on David Holt's behalf, the court accepted that David Holt had not been a fly by night operator and had been working hard to try and maintain the business and those employed by it. The court also acknowledged his good character and contribution to his local community.

V10 Polymers Ltd and the previous site owner, Holt Developments Ltd, are now both in liquidation and the site has been sold to Driftdale Limited, an Isle of Man based property development company.

The new owner is responsible for ensuring that waste is removed from the site and correctly disposed of. The Environment Agency is working with Driftdale Ltd and our partner organisations to ensure this is completed as soon as possible. The new owners must also take all necessary steps to prevent fire until waste is removed from the site and the company has constant manned security to minimise the risk of further fires.

If you witness suspicious activity or a fire at the site, please call the emergency services. Environmental incidents should be reported to our incident hotline on 0800 80 70 60.

Mr Holt was also ordered to pay £10,000 towards the Environment Agency's costs.

*[ends]*

#### **Notes for editors**

The charges are as follows:

1. That between 23 April 2014 and 1 February 2016 at Rockcliffe Works, Patterson Street, Blackburn, V10 Polymers Limited ("the company") failed to comply with condition number 2.3.1(a) of Environmental Permit number EPR/BB3002F which required the company to operate the activities subject to the conditions of the permit using the techniques and in the manner described in the documentation specified in Schedule 1, table S1.2, that being an offence by the company by virtue of Regulation 38(2) of the Environmental Permitting (England and Wales) Regulations 2010 and that offence was committed with your consent or connivance or was attributable to any neglect by you, you then being a director of the company, was also an offence by you by virtue of Regulation 41(1) of the said Regulations.
2. That by 30 January 2015 at Rockcliffe Works, Patterson Street, Blackburn, V10 Polymers Limited ("the company") had failed to comply with the requirements of an enforcement notice dated 18 December 2014 and served on the company under Regulation 36 of the Environmental Permitting (England and Wales) Regulations 2010, that being an offence by the company by virtue of Regulation 38(3) of the said Regulations and that offence was committed with your consent or connivance or was attributable to any neglect by you, you then being a director of the company, was also an offence by you by virtue of Regulation 41(1) of the said Regulations.

3. That between 5 June 2015 and 17 May 2016, V10 Polymers Limited (“the company”) knowingly permitted controlled waste to be deposited on land at Rockcliffe Works, Patterson Street, Blackburn, when there was no environmental permit in force authorising that deposit, contrary to section 33(1)(a) of the Environmental Protection Act 1990, that being an offence by virtue of section 33(6) of the Act and that offence was committed with your consent or connivance or was attributable to any neglect by you, you then being a director of the company, was also an offence by you by virtue of section 157(1) of the Environmental Protection Act 1990.
4. That by 21 March 2016 at Rockcliffe Works, Patterson Street, Blackburn, V10 Polymers Limited (“the company”) had failed to take the step specified in Schedule 2 to the revocation notice dated 22 December 2015 and served on the company pursuant to Regulation 22 and 23 of the Environmental Permitting (England and Wales) Regulations 2010 that required all waste to be removed from the said address to an appropriately authorised facility, that being an offence by the company by virtue of Regulation 23(6) and 38(2) of the said Regulations and that offence was committed with your consent or connivance or was attributable to any neglect by you, you then being a director of the company, was also an offence by you by virtue of Regulation 41(1) of the said Regulations.

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