

FROM THE EXECUTIVE DIRECTOR

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Sir James Bevan
Chief Executive
Environment Agency
Horizon House
Deanery Road
Bristol
BS1 5AH

13 February 2020

Dear Sir James,

Serious criminals continuing to operate in the waste sector

I am writing to express the waste industry's ongoing concerns about the number of high-profile landfill sites around the country which continue to operate in deliberate disregard for the law on landfill tax. These sites are defrauding HM Revenue & Customs of millions of tonnes of landfill tax payments every year and are severely distorting the market to the detriment of legitimate operators across the country.

One particular site in the North East has been allowed to continue operating in persistent breach of the law despite being publically raided in September 2015. Furthermore, the Environment Agency blocked an attempt to transfer the permit at this site three years ago, so its continued non-compliance is clearly known to the authorities.

ESA has consistently lobbied for more action to fight waste crime. We have pushed Defra to support the Environment Agency by closing legal loopholes, strengthening Agency powers, and providing more resources to the Agency to stop illegal activity affecting our sector.

We understood that part of the increase in EA powers would enable the Agency to take stronger action to intervene and disrupt illegal activity where it is occurring. This has clearly not happened in this case in the North East, nor at other sites which are well known across the sector.

Our Members would appreciate clarification as to what is preventing these sites from being closed down, so that we are able to lobby Government in support of the Agency and the further powers or interventions which are clearly necessary to make an actual difference on the ground.

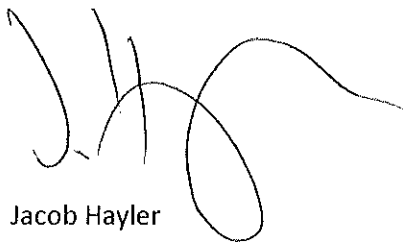
The current prevailing view amongst ESA Members is that, despite the eight figure sums of additional resources provided to the EA to fight waste crime, it is more prevalent than ever. We hope that the newly established Joint Unit for Waste Crime (JUWC) will help in this regard (and were disappointed that the JUWC has not received independent statutory funding).

ESA appreciates the ongoing dialogue we have with your officials, but our Members are increasingly frustrated at the lack of visible action to stop some of the most egregious cases of waste crime, which cause the biggest distortions to the market. We of course understand that there may be activity taking place behind the scenes, information about which we can't be privy to, but if this is the case, then processes need to be streamlined as it cannot be right that the aforementioned site is still operating at least six years since our Members first notified the Environment Agency of its illegality.

So long as criminals are allowed to continue operating in the sector, investment will be held back and legitimate activity will be stifled. This is a situation which has gone on for far too long.

I look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J Hayler', with a long, sweeping flourish extending to the right.

Jacob Hayler

Cc

Emma Howard-Boyd, Chairman, Environment Agency

Gill Weeks, Non-Executive Director, Environment Agency

Toby Willison, Chairman, Joint Unit for Waste Crime

Chris Preston, Deputy Director Resources and Waste, Defra

Annie Purkis, Deputy Director Indirect Tax, HMRC