

The Environment Act 1995

The Environment Act 1995 (England) (Clearance of the Illegal Waste Site at Hoads Wood) Direction 2024

The Secretary of State, in exercise of powers conferred on him by section 40 of the Environment Act 1995¹ gives the following Direction to the Environment Agency—

1. Citation, commencement and application

(1) This Direction may be cited as the Environment Act 1995 (England) (Clearance of the Illegal Waste Site at Hoads Wood) Direction 2024.

(2) This Direction comes into force on 23 May 2024.

(3) This Direction applies to England only.

2. Interpretation

In this Direction—

“the 1990 Act” means the Environmental Protection Act 1990²;

“Hoads Wood” means the Site of Special Scientific Interest located between Hothfield and Bethersden (with access to the site from Fridd Lane), near Ashford, Kent³;

“illegal waste site” means the area in Hoads Wood, measuring approximately 100m long, 60m wide and up to 4m deep, where illegal dumping of waste has taken place⁴.

3. Clearance of the illegal waste site at Hoad’s Wood

The Environment Agency is directed to take one of the following steps to arrange for the removal of all of the waste from the illegal waste site—

(a) if the Environment Agency considers that one or more of the criteria in section 59(7) of the 1990 Act apply, to arrange for the removal of the waste from the illegal waste site; or

(b) to serve any notices required under section 59(1), 59ZA(1), 59ZB(2) or 59ZC(1) of the 1990 Act (as the case may be) by 11pm on Friday 24 May. In relation to the specified period referred to in section 59(1)(a) and 59ZB(2)(b), the Environment Agency is directed to specify a period of 21 days.

4. Engagement with owners of the land and updates to the Secretary of State relating to the removal of waste from the illegal waste site at Hoads Wood

The Environment Agency is directed to take the following additional steps in relation to the illegal waste site—

¹ 1995 c.25.

² 1990, c.43.

³ Hoad’s Wood SSSI designated by Natural England, as detailed in [SSSI detail \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/SSSI/detail).

⁴ This illegal dumping led to the Environment Agency obtaining a restriction order to prevent access to the site on 16 January 2024.

(a) to engage with the owners of the land as required to secure access and obtain the permissions required for the waste to be removed. The Environment Agency should make all reasonable endeavours to begin engagement with the owners of the land by 5pm on Friday 24 May;

(b) to provide the Secretary of State with an action plan outlining detailed next steps and timelines for the removal of the waste. The Environment Agency must provide this plan to the Secretary of State on or before Friday 31 May; and

(c) to provide the Secretary of State with a written update on the Environment Agency's progress in removing the waste, at least every 2 weeks. The Environment Agency is directed to provide the first written update on or before Friday 7 June. The Environment Agency is directed to continue to provide such updates until all of the waste is cleared.

5. Funding of the removal of the waste

In order to meet the requirements of this Direction, the Environment Agency may use funding previously agreed to be spent on other purposes.



Steve Barclay

Secretary of State
Department for Environment, Food and Rural Affairs
22 May 2024