



Department for Environment Food & Rural Affairs

The Rt Hon Steve Barclay MP
Secretary of State Environment, Food & Rural Affairs

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Philip Duffy, Chief Executive
Environment Agency
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13 May 2024

Consultation: clearance of illegally dumped waste at Hoads Wood, Kent

Dear Philip,

I am writing to you regarding the serious illegal dumping that has occurred at Hoads Wood, Kent.

Up to 30,000 tonnes of waste have been dumped within this ancient woodland, which is designated as a Site of Special Scientific Interest (SSSI). This has led to significant damage.

I understand that the first instance of large-scale commercial waste dumping on this site was in 2020, and that the Environment Agency was made aware of further significant dumping in August 2023. Yet, no remediation work has begun, and the Environment Agency is still assessing how to respond.

The constituency member of parliament, the Rt Hon. Damian Green MP, has met with me to discuss his concerns regarding the lack of action to address this waste, and I have shared those concerns with your team. I agree with him that if we cannot collectively, across the Defra Group, prioritise action to protect a SSSI from thousands of tonnes of illegal waste that is polluting the environment, it is difficult to explain to the public why we are spending their money on other priorities.

The significance of this site demands greater urgency. As such, this letter, further to my previous escalation, is to formally give notice of my intention to issue a ministerial direction if that is required for cleanup work to begin on site, and to enable any issues to be identified to meet any legal requirements.

I appreciate there are complexities involved, including the fragmented and complex land ownership, with the site divided into multiple individually owned plots, but given the passage of time we now need to move things forward.

Your team has outlined to me two possible courses of action, using a power in Regulation 57 of the Environmental Permitting (England and Wales) Regulations 2016 (EPRs), or powers in sections 59 and 59ZA of the Environmental Protection Act 1990. The first of these has a higher bar for pollution risk (as a risk of serious pollution needs to exist) and is unlikely to lead to all of the waste being cleared, whereas the second has a lower threshold on pollution risk though a longer process (involving landowners), but would lead to clearance of all the waste. Each has a slightly different process for making a Direction - the first using Regulation 62 of the EPRs, the second using Section 40 of the Environment Act 1995 - although both require this consultative step as a starting point before issuing any such Direction.

To inform my decision, I request your views on the following matters:

- The Environment Agency's readiness and ability to clear some or all of the waste from Hoads Wood using either of the above mentioned powers. This should include detailed information about timelines for each clearance option and the stages on this timeline.
- The budget implications of each option and whether the Environment Agency has funds available for any work.
- In your financial breakdown, please set out what costs pertain to the payment of Landfill Tax specifically, given part of this cost would involve one part of Government (EA) making payments to another (HMT).
- I understand that Environment Agency officials are currently testing and analysing the pollution risk at the site. Please set out the timelines for this and any options to expedite those processes so far as possible, so that we can better communicate to the public why this has taken so long.

I would also welcome your views on any other factors I should consider before directing the Environment Agency to clear the waste at Hoads Wood. This should include, but not be limited to, any procedural, legal or practical difficulties with clearing the waste.

Following consideration of the information you provide and advice from my officials, I will come to a conclusion about whether a Direction is necessary and, if so, what form it should take.

I ask that you reply to me with this information by 5pm on Monday 27 May 2024, including any further matters that you feel I should take into account.

I am happy to discuss this proposed Direction further if this is helpful do so.

I am copying this letter to Minister Robbie Moore MP, Tamara Finkelstein (Defra Permanent Secretary), David Hill (Director General Environment), and Emma Bourne (Director Resources & Waste).

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Steve', is positioned below the text 'Yours sincerely,'.

RT HON STEVE BARCLAY MP