



Environment and Climate Change Committee

Corrected oral evidence: Waste crime

Wednesday 25 March 2026

10 am

Watch the meeting

Members present: Baroness Sheehan (The Chair); Lord Ashcombe; Lord Jay of Ewelme; Lord Krebs; Lord Layard; Earl of Leicester; Lord Lennie; Lord Mancroft; Baroness McIntosh of Pickering; Lord Rooker; Earl Russell; Lord Trees.

Evidence Session No. 6

Heard in Public

Questions 90 – 114

Witnesses

I: Malcolm Lythgo, Director for Environmental Markets and Enforcement, Environment Agency; Philip Duffy, Chief Executive, Environment Agency.

Examination of witnesses

Malcolm Lythgo and Philip Duffy.

Q90 **The Chair:** Good morning and welcome to today's meeting of the Lords Environment and Climate Change Committee, which will be a follow-up to the committee's report on waste crime. We are very pleased to have the Environment Agency's CEO, Philip Duffy, with us.

Before we start, may I remind everyone that the session will be webcast live, a transcript will be taken and made public, and witnesses will have an opportunity to review the transcript and make very minor amendments? Members are reminded that they should declare any relevant interest the first time they speak. I will take the opportunity here to say that I am a director of Peers for the Planet. Let me start by thanking our witnesses for taking the time to be with us today; it is really very much appreciated. May I ask you both to briefly introduce yourselves?

Philip Duffy: Hello, I am the chief executive of the Environment Agency and I have held that post since July 2023.

Malcolm Lythgo: Hi, I am the director of operations for environmental markets and enforcement in the Environment Agency. I have been with the Environment Agency since it started. Slightly prior to that I was in the Waste Regulation Authority, so I have been around the waste industry for a while.

Q91 **The Chair:** Let me start by saying that this follow-up session to our waste crime report was requested by the committee upon receipt of the Government's response to our original report, which was deemed to be deeply disappointing. Right at the start of our inquiry, we heard that 20% of all waste produced in England is illegally managed. That amounts to a colossal 38 million tonnes every year, which would be enough to fill Wembley stadium 35 times over. We have also heard that there is a growing number of large-scale illegal waste sites being reported in the press. Mr Duffy, could you tell me: is your current approach to tackling waste crime working?

Philip Duffy: Thank you for having me today. It is really great to be here. Many of us in the Environment Agency were very pleased to see the focus you put on this issue in your report and the recommendations of your initial paper.

Waste crime is obviously a very complex system in which the EA plays an important role. We are not the only actor in that system. You are focusing on us today quite properly, but we also need to talk about local government, the criminal justice system and many other parties that play a key role here.

The short answer to the question of whether the system as a whole is working is no. A more considered answer would say that, although the data is unreliable and waste crime is not necessarily new, there are areas

that should give us cause for concern. First, for very good reasons we have seen increases in landfill tax and in the cost of getting materials recycled as the Government puts forward their circular economy measures, in particular the packaging extended producer responsibility measures, which increases the opportunity for criminal arbitrage. There is evidence that we have seen a number of organised crime gangs—at the more serious end of organised crime—penetrating the UK waste sector. In a second we shall come on to how we should deal with that.

The debate is very wide-ranging. People talk about powers and staffing numbers. The thing that is really missing from the discussion—both here at this committee and elsewhere—is the very important question of where this waste is coming from. You do not acquire 20,000 tonnes of trolled household waste by going round a housing estate in a van or by picking up skips. You acquire that much waste through systematic penetration of the waste system.

Somebody somewhere in that system—possibly holding a permit from the Environment Agency—gave you that waste. Either they knew you were going to dispose of it on a field, in which case in my view they are guilty of the same level of criminality as those who dumped it, or they did not, in which case they are breaching their duty of care towards the waste sector. This is an extremely important point to make and an important shift of emphasis that is needed throughout this system.

On 16 March, the agency published its 10-point plan, which marked a series of shifts in how we deal with waste crime. The most important of those is this relentless focus on where this waste is coming from and who in the system is diverting their waste. It has been a real problem to see how rarely the agency has revoked permits or taken action on permit holders in the past. The agency has treated a permit as a way of regulating environmental performance, which is a perfectly reasonable use of a permit. To my mind—no doubt to the minds of many here today—if you are involved in criminality you are not a fit and proper person to hold a waste permit. That is the key shift we need to see.

I also want to make another point that is very important here, and there are many here who are very eminent in this field. If you think about criminality and how you deter it, you normally look at whether the penalty is high, what the certainty and likelihood of enduring that penalty is, and how quickly and rapidly that penalty is going to be applied. That is how you think about deterrence in the criminal justice system.

On those three metrics—the severity of the penalties, the likelihood of being apprehended and the speed it takes to go through the criminal justice system—it is too slow, too weak and too uncertain. If you are thinking about whether the system as a whole is working to deter waste crime, my answer to that is no. On those three areas we need to do better, and no doubt we will get into that a bit more in this session.

The Chair: Would you like to add anything, Mr Lythgo?

Malcolm Lythgo: Not at this point, thank you.

The Chair: Last Friday, 20 March, the Environment Agency published its 10-point plan; it is quite a glossy press release with a large number of announcements. What I am hoping for today is that we can add some detail and substance to those announcements and start to understand what changes you will make to the way in which the agency goes about tackling waste crime. You have mentioned some areas that you will be looking at. I am going to hand straight over to Lord Ashcombe and other committee members.

Q92 **Baroness McIntosh of Pickering:** Could I just ask a supplementary? This is something that has vexed me because I have come late to the committee inquiry on this, but you specifically said part of the problem is the issuing of the waste permit initially. That begs two questions. Is there a mismatch between the quite low cost of issuing the permit and the high cost of disposing of the actual waste itself?

Philip Duffy: It is a feature of the UK waste system that, during the operation of a permitted site, inadequate—in my view—funds are set aside to deal with the risk of abandonment of that site or subsequent clear-up costs. This was foreseen originally.

Baroness McIntosh of Pickering: Set aside by whom?

Philip Duffy: That is just how the law works in the UK.

Baroness McIntosh of Pickering: The Environmental Services Association has said on multiple occasions and given evidence to us that it stands prepared to give you more money and that you are only using a very low percentage of the funds you have at your disposal for this purpose.

Philip Duffy: You have alighted on a very major theme there, which I am very happy to address. It will take a bit of a bit of time so bear with me. The allegation that was made by a number of your witnesses to this committee—particularly the solicitor who is a leading defence lawyer in the waste industry, Anna Willetts—is that the agency spends the money it gets from the permit fees only on the permitted sites that are compliant and spends inadequate resources on the non-compliant. I think that is the allegation that you are putting to me.

The Chair: Can I just correct something? It is not just Dr Willetts. This question was put to the Environment Agency when it was previously before us and it did not dispute this at all.

Philip Duffy: Let me dispute it then as the chief executive because it is an important point. There is a rule called requirement in the way in which the Treasury runs fee-run regimes.

The Chair: I do not think this is what the question is about; this is about the remediation of sites.

Baroness McIntosh of Pickering: It is—

Philip Duffy: I heard it in that way—my apologies.

Baroness McIntosh of Pickering: It develops through the evidence on multiple occasions that you are focusing on the legal sites, whereas the allegation is that we need to focus more on illegal sites and the ESA and others stand prepared to fund it.

Philip Duffy: I hear that entirely. With the Chair's permission I will answer that point and then we can talk about the clearance costs if that is of use to the committee.

The Chair: We will deal with that later in the session.

Philip Duffy: Let me address this point on that. If you look at the postbag of the Environment Agency and what the public worry about in terms of waste, actually the overwhelming number of complaints and concerns from the public about waste relate to permitted sites that are not criminal in nature. That can be things such as smells, flies, dust, driving routes, noise and a whole range of factors. In some years recently, we have had 40,000 complaints from the public about sites.

What we do with the pot of money we get from the permit holders—including the ESA members—is spend that money on resolving those issues and they can often be extremely prolonged and difficult. There is no allegation of criminality behind that, but for example we see problems in things such as dust control measures.

The Chair: Can we move on to illegal sites?

Philip Duffy: That is an important part of our work. I do not think it would be right to say we could just move the money we use to spend on the compliance teams to criminal sites; they are a different market in that sense.

The Chair: Do you want to follow up on that item?

Baroness McIntosh of Pickering: Yes, I will follow up later.

Lord Ashcombe: Thank you for coming. This is going to be a series of questions.

Philip Duffy: I am looking forward to them.

Q93 **Lord Ashcombe:** The official one is: how do you respond to the criticism that the Environment Agency overregulates permitted industry and does not allocate sufficient resource to committing illegal activity through the deployment of front-line enforcement officers?

Philip Duffy: That is an allied question to the one from Baroness McIntosh. It is the view of many of the legitimate operators that face quite a big regulatory burden from us. The first thing to say is it would be better for the Environment Agency, in the way it is set out for the water

industry and the nuclear industry, to have a really clear and transparent control strategy about how often a permitted site could expect to see some regulatory activity.

For example, if you are a nuclear site in your first year—perhaps a hospital with some nuclear material—you will get visited every year for the first three years. After that, that visit will drop off in regularity and you know that because you are compliant. There is currently no equivalent document for the waste industry, and I want to make sure we publish one this year so that those who are compliant understand their obligations.

There is a second-order issue in this, which is that we rate the permitted sites in six levels: A, B, C, D, E and F. It worries me greatly that we have a number of sites—about 3%—that are persistently in bands D, E and F. If you are in band A, you might well wonder why you are having more inspections when there are still sites that are in D, E and F year after year, and I share that concern. We have started an approach to look at those band D, E and F sites and we have options.

Lord Ashcombe: Did you say they were 3%?

Philip Duffy: About 3.6% of our almost 10,000 regulated waste sites are in D, E and F, so we have a pool of sites that are very poorly performing.

Lord Ashcombe: How many people work within the Environment Agency?

Philip Duffy: We have an FT equivalent of 13,600 staff across all our functions.

Lord Ashcombe: How many work on the waste crime unit? In this chart that we were supplied, there are 136 people mentioned, who I imagine sit behind desks every day.

Philip Duffy: Let me address this desk-driving question; it is something I feel quite strongly about.

Lord Ashcombe: No. Answer in—

Philip Duffy: Okay, I will go through the numbers. The latest numbers on FTE are that we have a total of 275 staff who work in waste markets and shipments. Those staff work on things such as waste exports of tyres—we have seen problems in the tyre market in India—illegal waste, where you export illegally in breach of rules, and other forms of market abuse such as misdeclaration of your weights, which can involve a reduction in your payments. Of those staff, 165 are predominantly working on anti-fraud measures and are desk-based and 110 are field-based; they actually go to ports and open containers and see what is happening.

Lord Rooker: Sorry, could you repeat those figures?

Philip Duffy: Yes and I can send them to the committee afterwards. There are 275 staff who work full-time on waste markets and shipments and they are the staff involved in issues such as tyres going to India and used, soiled clothing going to the Middle East.

Lord Ashcombe: That is not the stuff that stays here.

Philip Duffy: No, but it is connected. It is worth saying that, when you have waste criminal gangs, they tend to operate in many different dimensions of waste crime, so you cannot completely disconnect their work and it is very important work.

We have a further 347 wholly field-based officers who are the people out on the ground looking at waste sites. They are spread thinly in some parts of the country, particularly in Cumbria and Lancashire, Hertfordshire and north London and Kent and south London, areas where we have a particularly high number of illegal waste sites. Following the announcements last week by the Environment Secretary, we will look to reinforce them in certain areas.

Lord Ashcombe: Just to that very point, we were told by Matthew Scott, the police and crime commissioner for Kent, that there are five and a half investigators from Dover to Dorset.

Philip Duffy: I do not recognise that number, and it is a completely different team and not these 347. I will come on to answer your question about that.

Lord Ashcombe: We want to know where they fit in.

Philip Duffy: Let me answer your question then. We have 111 investigators in field across the whole of the country. To my mind, there is a very important question about the balance of doing criminal investigations into these sites versus doing compliance activity against people who may be involved in crime in the permitted sector, and that is a very important shift we need to make.

We then have 146 specialist investigators in NECU, which is our Enforcement and Crime Unit. They are essentially criminal investigators. Of those, 49 are permanently in field and 97 are criminal and forensic investigators. They are front-line staff. You do not tend to do a forensic accountancy investigation from the field; you tend to do it from an office with the right intelligence. To my mind, there is no harm in them being based in office. We have 74 staff who work directly on the criminality involved in waste shipments. That brings us to 331 total staff who work directly full-time on criminality and 691 who work in compliance, which is making sure people who have permits comply with their obligations.

Lord Ashcombe: Can I ask a follow-up question to that? You kindly sent the Chair a letter this week. At Copley Wood, 666,000 tonnes of stuff have been dumped. How could that not have been stopped or investigated by the myriad of people you have just kindly told us about? I might add that there are two others: one over 500,000 tonnes and one

just under 500,000 tonnes. These are huge amounts of waste. Forgetting about the tens of thousands, these are hundreds of thousands.

Philip Duffy: Even with 347 field officers, we are not in every field, siding, motorway embankment or waste site all the time.

Lord Ashcombe: But 666,000 tonnes is not just happening overnight.

Philip Duffy: By our own admission—with our data quoted by the Chair in her opening comment—we have a very significant proportion of the UK waste flow that is diverted illegally, a great deal more than 600,000 tonnes. We clearly have a broader societal problem. However, the issue here is at what point does the Environment Agency know about this offending? What are the flows of intelligence around it? That has been a really difficult issue for us with our local authority partners.

Lord Ashcombe: Why?

Philip Duffy: There are various factors. The first is making sure we have good, quality-assessed intelligence. It is interesting you spoke to Kent; that is one of the areas of the country where we have quite an effective intelligence relationship with local partners and the police. If you look across the whole of local government, though, quite often there are important bits of intelligence that are either not disseminated to us or not shared in the right way and we lack intelligence-sharing structures across local government.

Lord Ashcombe: Is that part of the 10-point plan?

Philip Duffy: Yes, it is a very important part of it.

The Chair: Mr Duffy, with all due respect the question asked by Lord Ashcombe is a perfectly legitimate one. I referred to the huge nationwide scale of the issues: 38 million tonnes every year. We will be swatting flies all day if we try to deal with the generalities; we have to deal with the specifics. It is perfectly legitimate for Lord Ashcombe to raise a specific site and ask how it can get so big with no action from the Environment Agency.

Philip Duffy: I must have missed the specific site, I apologise. Which site would you like me to address?

Lord Ashcombe: I was talking about Copley Wood, but there is one in Northwich and one in Camborne, which are 400,000 tonnes and 560,000 tonnes respectively. If you think of a grain silo, that is an awful lot of grain and just takes thousands of lorry loads to get there.

Philip Duffy: In the letter I wrote to you there, various things have happened. In some cases, we have either arrived on site after the waste has been dumped; we had no prior knowledge of it and no report in advance of it.

Lord Ashcombe: There is something wrong with the system if that is the

case.

Philip Duffy: I could not agree more, and we might come on to what we can do about that. That is a very valid observation.

Secondly, and contrary to what you might think, a lot of the very largest waste sites—I would put Kidlington in Oxfordshire in this category—were dumped in a very small number of nights, often in a very concerted operation to maximise the throughput of illegal waste in the shortest possible time. Something that the Environment Agency needs to improve its performance on is making sure that we are consistently on site faster when we get reliable intelligence. Do we get the intelligence? Do we know it is going on? Have we assessed that or shared it quickly enough? When we have that intelligence, how fast should we reliably get on site?

In my view, we need to set some targets for that. I am very pleased the Government have agreed to our proposal to put a target in the Environment Agency's framework from next year that every time we get a credible report of an illegal waste site we will be on site within 48 hours. This matters because what you tend to find is, once we turn up on site, the waste dumping often stops, at least for a while; it can restart again and that has been a feature.

The other thing that is relevant is the agency does not have the capacity to predict where the waste might go before it starts. If you look at the data, there are ways of doing that. For example, a really key way you can spot a likely piece of waste offending is interesting or suspicious transactions in the Land Registry. For many of the sites that you have been concerned about—Hoad's Wood and Kidlington for example—you see shortly before the dumping a rapid transfer of bits of the land. The land is often parcelled up into multiple small strips and this is done to make sure that the criminals can evade their obligations to clear the site, because it makes it impossible for the Environment Agency or another actor to specify on whose land the waste is and who is responsible.

The Chair: What do you do with this sort of activity at Hoad's Wood? What is the plan? How are we going to tackle it?

Philip Duffy: For example, if we could spot a site that would be liable in advance more often, we could seek a proactive stop or restriction order or use local government or anti-social behaviour powers to prevent access to that site before the waste criminals got to it.

The Chair: Do you have those powers now?

Philip Duffy: We do not have all the powers, but local government has powers to deal with anti-social behaviour. If we were able to show—which we are not always able to do—that there was a realistic prospect of serious environmental harm, we could seek a restriction order. If I could just give an example, I know you only want specifics but if you take the Bickershaw site in Wigan, which this committee seriously looked at, that

is on an unregistered site. It is not clear who owns the land; some of it is escheat. In that area, there are a number of other unregistered sites.

The Chair: We get the point about unregistered sites. Lord Ashcombe, finish your line of questioning then we will move on.

Lord Ashcombe: Something that we suggested when we produced the short report was a telephone line that went to one place—to you, the local authorities, the police; everybody was connected with it. I think I am right in saying that there was a lot of pushback on that. Is that not a very sensible thing to help you with your intelligence? You say you get a lot of issues coming from the public, many at permitted sites, which I understand, but I also understand there is quite a lot of action from unpermitted, illegal sites. Why do we not have one place of contact?

Philip Duffy: I have sympathy for the point you are making there.

Lord Ashcombe: Are you going to enact it?

Philip Duffy: It will not be wholly up to me to enact it, because it is also about the partnership we have with local government which deals with fly-tipping. To my mind, it does not strike a very reasonable position for the state to say, "Well I'm sorry, that was below 20 tonnes; you have to ring these people. If it's over 20 tonnes, you ring the EA". It does not feel like a very good way of handling things, if I am honest. We would have to work out how we would manage the contact centres to get that flow of intelligence working, but that is a very valid point.

It is very interesting that we have been recently relaunching a campaign to get people to report waste sites. In the first three days of that just last week, we had over 4,000 referrals. There were nearly 2,000 from Cumbria and Lancashire alone, which tells me the public are willing to help be our eyes and ears and to share the information. That would help us get ahead of some of this criminality.

Lord Ashcombe: Between November 2024 and January 2025, the Environment Agency consulted on introducing a 10% increase in annual subsistence charges for waste permits, which is obviously going to generate some more money. The EA has not yet published a response to the consultation. Why not? That is a year down the track.

Philip Duffy: Just to be clear on how our fees are set, they are not wholly a matter for the EA. There is a lock on our fees that the Ministers of the Government have to sign off, and we are in discussion off the back of the announcement last week about where that leaves our financing. That is the reason we have not concluded that or the waste crime levy, and it is something we are discussing with Ministers.

Lord Ashcombe: It has been over a year. What proposals have gone to the Ministers? Have you made proposals?

Philip Duffy: We have made proposals.

Lord Ashcombe: When are we going to get an answer?

Philip Duffy: The Government announced a significant uplift in resources for waste crime in part of their *Waste Crime Action Plan* on 16 March. I suspect that that will supersede some fee proposals we were discussing to some degree, but we will confirm that with Ministers in due course.

The Chair: We are really up against the clock already and we are not yet on our third question for today, so I am going to move on. I hope, Earl Russell, you will have an opportunity to ask your supplementary at another point and I will certainly invite Mr Lythgo to come in.

Q94 **Lord Trees:** Thank you for coming. With the problem sites where there is large accumulation of waste that is dumped, it does not happen overnight; it takes days, weeks, even months. It is clearly to everybody's advantage that there is rapid intervention to stop that. What are the impediments you are facing to intervene very early on that would reduce the cost of the clean-up to whoever is responsible for it and would reduce the public health and environmental hazards?

Philip Duffy: I do not think it is true that they all build up over months; some build up in less than a week. I want to make that point because we have evidence of cases where that has been fast.

Lord Trees: Did you say weeks?

Philip Duffy: Not weeks—within a week. We have examples of people dumping over 10,000 tonnes of waste in a week. Actually, if you look at a case such as Kidlington, that was a very long-prepared criminal operation. The gang involved clearly had thought about planning it back to January of that year. They put up concealment barriers around the site early in that month.

The Chair: Please would you answer Lord Trees?

Philip Duffy: I am answering. Actually, the dumping happened over a very short period of time. You are right that we have to be ahead of it, but we also need to recognise we have to go very quickly sometimes to stop this waste. You asked about barriers. I mentioned intelligence; we have to know it is happening. Obviously, if you do not know it is happening, there is not a lot you can do about it.

You might think: how on earth could you not know about a scale of waste there? I have been to many of these sites. Standing outside the site, you would not know the scale of offending that was going on in there because they picked a site that is very hard to see: not by a road, very far back off the nearest access way, often with high fencing or barriers to see it. That is an issue, but we can crack that. I have talked about the Land Registry. In the past, I have talked about drones and what we can do from the sky. There are ways of improving intelligence. That is the first point.

The second point is about powers. We are working our best with the powers we have, but in some respects they are defective in my view. I very much welcome the Secretary of State's commitment to look at our powers.

The Chair: Would you write to the committee with the powers that you think are defective?

Philip Duffy: Yes, I am very happy to do that.

Lord Trees: What are the limiting factors that prevent you acting even more quickly? For example, the restriction notices and orders seem a very protracted process. On whom do you serve those?

Philip Duffy: Exactly. A restriction notice does not necessarily stop the dumping; it tells you that you should not do it. An order stops you, but the order has to be enforced and we are working with criminals here, so they are not particularly keen to comply with court orders.

Lord Trees: No, but I presume you present them to a person, a human being, do you not?

Philip Duffy: You have to serve them on an owner, yes.

Lord Trees: If you know who is doing it, why can you not go further and potentially eventually prosecute them in order to give them a restriction notice or a restriction order?

Philip Duffy: However, prosecutions are not a quicker way of getting things done.

Malcolm Lythgo: One challenge with restriction orders is finding out who is the person to serve it on, whether that is the landowner or the occupier. Sometimes the delay in issuing a restriction order or notice is that we cannot find the person who tipped the waste or the landowner, as Philip said, because the Land Registry is unclear or it is unregistered land. That is one of the impediments around restriction orders: it is sometimes quite difficult to be able to find the person on whom it should be served.

Earl Russell: Does that need reform?

Malcolm Lythgo: Yes.

Philip Duffy: We really need to crack down on unregistered sites. I heard someone talk about stop orders. There is a good thought in that. The agency has not historically used the existing stop orders; I think it has only used them 10 times. Under the way that law is structured, we are liable for the losses of the waste operator, so it is not something we can easily do. We need something that is faster, more like an injunction.

Lord Trees: You know the legal sites you have, so you presumably then will know if dumping is happening at an illegal site. Are you not able to have a flying squad go there and put up cameras and barriers to stop what is happening as an immediate response, while some procedural stuff

can then follow?

Malcolm Lythgo: That is something that we have done in the last few weeks, so we have tightened up our procedures.

The Chair: Why only in the last few weeks if you have had the powers?

Malcolm Lythgo: It is a question of tightening up. We have always had a process and the previous one was that we would get out to the site within two weeks. We have recognised that is not fast enough. We have now implemented a process over the last few weeks that, as Philip said, we expect people to be out within 48 hours to get eyes on the ground.

As Philip says, with some sites and actors, quite often turning up is enough and they will stop. Not with everybody of course. That first eyes on the ground within 48 hours is really important and is something that we will be embedding. There are resource and training challenges and it is not going to be perfect overnight but that has already been implemented.

Within that first 48 hours, once we have the first eyes on then the more expert criminal side of it will come in. They will go out, do an investigation of the site and start to look at the types of waste and the potential environmental or human health impacts. They will do that within a week so we have that better information. We are absolutely committed to going faster and faster in terms of early intervention.

Linking back to an earlier question and this one, I would like to say this is all chasing things after they have happened. The intelligence bit that we really need—part of the reason we are setting up this new unit for waste intelligence and analysis—is actually there are flows of waste around the country. At the moment, they are all on paper. Duty of care transfer notes are pieces of paper. It is really difficult on that basis, almost impossible, to know where this waste is actually going. Digital waste tracking is coming, soon we hope. Once we have that and other sources of information, we want to know before the waste is going. As soon as it is leaking out of the system, we can start to identify that and cut it off before it gets anywhere near some sites. That has to be our focus in terms of trying to cut off the supply and going upstream.

Q95 **Earl of Leicester:** Just following on from Lord Trees, this seems fairly basic. If a member of the public reports waste and something has happened in those 48 hours, do you have powers to go on site and impound lorries and grab drivers? Do you need the police to be with you to do this, or is it just not happening?

Malcolm Lythgo: It is happening. We do not have direct powers to do that, but we would go in with the police. We had an example recently in the north-west where we did exactly that. We had a report from a member of the public that something was happening on a site. We went with the police that day, impounded the vehicles that were on site and made an arrest with the police. We need to do that with the police. In

that area, we have fantastic relationships with the police and were able to get that moving fairly quickly.

Earl of Leicester: Are there some counties where your on-the-ground people have less fantastic relationships with the police?

Malcolm Lythgo: It is patchy with any organisation. Again, that is one of the points in the plan. For example, our relationship through the joint unit with the police and National Crime Agency is very strong. In some local areas it is less strong. What we need to do is look at where our partnership approach works really well and how we can make that work consistently well across the country. That is absolutely something we need to improve.

Earl of Leicester: You referenced intelligence. Have you had any successes yet with this new intelligence-led system?

Malcolm Lythgo: Yes, we have lots of examples. For example, again there is another site in the north-west run by a serious and organised crime group. That crime group has been completely dismantled; the site has essentially been taken off them and will be sold back to—

The Chair: Can you name the site?

Malcolm Lythgo: I am afraid I cannot at the moment because there are issues with the selling of the land before we can do that. The site has been prosecution so I can probably follow up with some other examples as well.¹ We have quite a few examples where the intelligence has led us to either stop something happening in the first place or, working with partners, close something down. As I say, we were able to dismantle an organised crime group that had been causing absolute havoc and distress to the local community for several years before that.

The Chair: Where has that intelligence come from that led to that successful prosecution? Is it successful?

Malcolm Lythgo: The prosecution has not happened yet, but the closure of the site and the removal of the assets have.

The Chair: Where did that intelligence come from?

Malcolm Lythgo: A myriad of places. It came in part from the local community, although actually that was very limited because the local community were scared of the individuals involved and therefore the flow of information was very slow. It came from the local authority, our own officers and police. In terms of the links to serious and organised criminality and some other activities, it came through the National Crime Agency and HMRC was involved as well.

The Chair: Eventually.

¹ Noted by the witness: To correct the statement, the site/people involved in it have not yet been prosecuted - they are subject to prosecution.

Malcolm Lythgo: HMRC engages very well sometimes.

Q96 **Lord Mancroft:** In one of your earlier answers, you said in respect of Cumbria and Lancashire you had 2,000 calls. How quickly can you respond to those? That is quite a lot of calls. How do you respond?

Philip Duffy: This is one reason why having a single hotline is challenging because you will get a lot of different calls. Some will be things you already knew about; some will be very small things; some will be really significant things. You need to be able to triage your intelligence quickly and work out, "Is this genuine? Is it the same thing or a different thing?" You have to evaluate that intelligence before you start sending people out to sites around the country. That is one reason why there is nervousness about having a single hotline, because you would get a lot of very local issues that are quite small. It would not be for us; it might not even be for a local authority.

Over the weekend, we have worked very well to look at that. We have the material recorded, we have written it up and can analyse it. We have lots of modern technology to analyse evidence bases about calls. "We can see your calls about this thing, we know this thing already and we won't take any further action on that. This bit is new". From those 4,000 calls in total, there might be a few leads and new things.

Lord Mancroft: If you have one and say, "Here is a lead. This is a serious issue, it's new to us", what is the response?

Philip Duffy: Our checklist now says, "Visit it within 48 hours". That is important to get a sense of what is really going on, how critical this is and so on. To your questions, ideally you would seek a restriction order, but that is difficult because you have to show a risk of environmental harm to the magistrate and that is a problem we have to think about.

The Chair: We are moving on to Lord Jay's question now.

Q97 **Lord Jay of Ewelme:** Just following on from some earlier questions, can you just say a bit more about drones? How new is using that technology? Is that effective, or is it something we all think you ought to do but really does not work?

Malcolm Lythgo: We have been using drones for several years. We also use other remote sensing—plane-based remote sensing—which is more effective for larger areas. Obviously, with the drone you have to take off and land and they do not have the same range. We have been using remote sensing from various sources for waste crime going back several years. We are getting better and better at it and are using it more and more often.

One challenge we face with drones is that it is surveillance and therefore we need to make sure we have the right authorisation under the Regulation of Investigatory Powers Act 2000. We have to train our staff, but we have invested more in that because we have seen some good results and have used it in both investigations and understanding sites,

what we might do with remediation and that sort of thing. We are using it more and more, but we have been using it successfully for several years.

Q98 Lord Jay of Ewelme: On the main question, I do not think you have really covered this yet: we have heard there are a very large number of illegal sites and you have said that. How do you decide which illegal sites you are going to intervene on, clear and indeed make good after they have been cleared? When do you decide to leave that to the criminals or perpetrators?

Something we have been slightly concerned about in this inquiry is at times it has seemed as though everybody says, "Well it's not actually our job to clear this", so nothing happens. I am conscious that, in your letter of 16 December, you said, "The Environment Agency is not responsible for clearing illegal waste sites and is not funded to do so". Has that changed with the new money you've received?

Philip Duffy: Fundamentally, it has not changed. We have a permissive power to clear waste and in modern times have done so on three occasions out of all these cases. In one case, that was on a direction from the Environment Secretary because he was concerned about an SSSI, which was Hoad's Wood. The effect of his declaration was that we cut spending on flood defence and other environmental protection and spent it on clearing Hoad's Wood; that is why it required direction. In the other two cases, we decided we had the money as an underspend so we could find the money and there was a very significant economic and socioeconomic harm from not clearing them; that was Twyford House in Stoke and the recent case in Kidlington.

You are alighting on a really important point here, Lord Jay, which is that there is no consensus or published methodology about how one ranks, scales or prioritises waste sites. That should concern both this committee and anyone working in the sector. To my knowledge, we currently have four separate systems for scoring waste sites and their harm. This is unsatisfactory, because it means that we cannot very easily give answers to what is our most high-profile site.

There are lots of ways one can consider scoring a site. Clearly, toxic waste, proximity to public and social infrastructure and social harm are more harmful. There are lots of factors we can talk about, including SSSIs, but there is no consensus on that. We in the agency have drawn up a way of scoring sites. It shows there are currently 151 sites that we regard as being high priority, 15 of which we would regard as red, so really high priority. It would be healthy—I intend to do this—if we published that list of 151, partly so that parliamentary colleagues can scrutinise that list and challenge our methodology and see whether we have the right list or not. We will do it on our new Waste Explorer website.

Lord Jay of Ewelme: When will you do that? It sounds a very good idea.

Philip Duffy: Within the next month, we will publish that list of 151. You will get that list and you will be able to look at it. That is very important

because the lack of transparency about the decisions we are taking and why we are taking them naturally raises concerns from communities about that area.

I will just turn to clearance, if I can. With Section 59 orders, you are asking somebody who is often a criminal and acquired a site for criminality to comply with an order, which they are very unlikely to do. That does not seem terribly effective to me and the costs of clearance can be really high. The cost at Hoad's Wood is going to be in the order of £15 million to clear that site, just one site on its own, which is a bigger social problem.

Lord Jay of Ewelme: In an ideal world, who might therefore be responsible for spending £15 million and clearing up Hoad's Wood or Kidlington?

Philip Duffy: I am sure we could come up with lots of options. I would just observe that, in many of the regimes we regulate, the cost of clear-up and risk is borne by the operators during the life of the scheme. That is what happened with the nuclear power, for example. We have a nuclear liabilities fund for that work. These are clearly illegal sites, so how we deal with that is a bit more difficult.

If I might say so, the people who really benefit from waste crime—the really serious money—are those who divert their waste through the system rather than those doing the dumping. The question to my mind is: how can we go after those illegal profits in a bigger way than we currently do? The person doing the dumping is not making the same scale of money as the person who is diverting it from their waste site.

Lord Jay of Ewelme: Going through the whole of this discussion really is this thought that you need to get people very early on, you need to identify the sites really early on, then you are saving money, you are saving a hell of a lot of effort, and you are saving a lot of people a lot of risk from being near unhealthy sites.

Philip Duffy: If we take most of the sites you are concerned about, many of which I have been to, and look at this huge pile of household waste, the question I have been asking my colleagues is: where did this waste come from? It did not come from the gang who dumped it; they did not have access to that. They got it from someone. What action has the Environment Agency taken against the people who mishandled this waste?

It strikes me that the most effective way of shutting down this offending category is to make it exceptionally economically painful not to look after your waste end-to-end. As you know, the waste system trickles through many layers: from the household or construction site, it goes to what is called a transfer or materials facility. As Mr Lythgo has said, currently the documentation of that is on paper. If we find people who are mishandling it, what penalty should they face?

The Chair: We will be covering that very shortly. Earl Russell, you have a supplementary on this, then we will move to Baroness McIntosh's question.

Q99 **Earl Russell:** I want to start by thanking you and your staff for all the work you are doing in this area. I really welcome the 10-point plan. The conversation we are having today is much more detailed and complex than previous conversations we have had because of this plan. There is more to do in this area.

I really wanted to ask you about clearing up sites. I welcome your intention to publish the most serious sites. Are you prepared to publish the 15 that you identify as red? On the cost of clear-up, do you think the Government need to take more action to perhaps hypothecate or set aside some money from landfill tax to help clear up waste sites that exist? We have a backlog of these things, and at the moment it feels like the clear-up is largely forgotten in the system.

Philip Duffy: It is a major issue. There is an important "polluter pays" principle in our system. You must be very careful not to lightly disregard that by putting the burden on people who are compliant rather than non-compliant. That would not assist us in this effort.

The Chair: The taxpayers should not, under any circumstances, be left to pick up the tab for this clear-up, not while there are millions of profits being made by criminals.

Philip Duffy: If you think that a gate fee for a tonne of waste is about £200, what profit are these people making from not paying their taxes and dumping it? They are making over £100 a tonne and they are dumping 200,000 to 300,000 tonnes so the profits here are very large.

Earl Russell: Yes, millions.

Philip Duffy: Good environmental protection rests upon transparency. This is not the Environment Agency's environment; it is everyone's environment. It is not just the 151; we need to have all the sites mapped and published. The only reason for not sharing that detail would be it would collapse a trial or prejudice a trial. We are prosecutors, so we are very thoughtful about that. There may be cases where we think that would not be appropriate. In the overwhelming majority, the right answer is publish.

Q100 **The Chair:** Before we move on, I have a particular interest in the Bickershaw site and I am assuming that that is high up on your list of priorities, as indicated by the Secretary of State last week.

Philip Duffy: It is. I can tell the committee it is one of our red-listed sites and a site that is marked for clearance. What would be a tragedy, in my view, Chair, is if we clear that site and find another equally large pile of waste somewhere else in Wigan or Greater Manchester from the same criminal gang.

The Chair: One would hope that you have a handle on the criminal gang and would make sure that that does not happen.

Philip Duffy: We have a handle on the criminal gang, but we need more partners to look around, check and work with us to make sure that those sites that are liable to be dumped on are protected. We are working very well with Wigan Metropolitan Borough Council on that, but that feels a very important shift.

The Chair: It is very worrying that you feel that you do not have the powers to stop something like Bickershaw happening in the near vicinity when you know who the perpetrators are. That is something that needs to and must be addressed or we will be chasing our tails for ever, as we have been for decades.

Philip Duffy: You invited me to write to you about powers, so perhaps I could pick up that point in that letter.

The Chair: Absolutely. Thank you very much.

Lord Mancroft: Can I just ask what a red site is?

The Chair: Baroness McIntosh.

Q101 **Baroness McIntosh of Pickering:** Can I revert to your earlier answer about the correlation between permits and the waste being dumped? Once a permit is issued, who checks that that permit is being used for legal purposes and how often is that checked?

Philip Duffy: It varies. We check it. Let me give you some numbers to help illustrate the scale. There are 9,600 permit holders in the United Kingdom. These are people who are either running a landfill, a recycling centre or a treatment facility. There are also over 140,000 carriers, brokers and dealers, but they are not permitted currently. We will come back to that in due course, no doubt. Those permit holders receive visits from the Environment Agency to test their compliance.

Baroness McIntosh of Pickering: Sorry, did you say they are currently not permitted?

Philip Duffy: Yes. Carriers, brokers and dealers are not currently permitted. That is changing over three years.

Baroness McIntosh of Pickering: I am going to come on to that in a minute. When will that change?

Philip Duffy: The SI should be laid in April and the three-year transition starts in October, so over three years from October.

Baroness McIntosh of Pickering: So the SI is ready to go?

Philip Duffy: Yes. For those sites, looking at the last 10 years, we average around 8,500 inspections a year. They are not evenly distributed. We tend to focus more on the most problematic sites and

fewer on the ones that are compliant, as you might imagine. We do not currently have a published document where you can say, "You'll definitely get a visit once a year" or "You'll definitely get one once every two years". You are probably going to get one about annually, near enough. The interesting thing about waste crime, since that is our topic today, which is an inconvenient but important thing to say to the committee, is that some criminals we are dealing with run impeccably managed permitted sites.

The Chair: Absolutely. They are meticulously organised.

Philip Duffy: There is not a hair out of place in their sites. However, they are not declaring their taxes properly and they are partnering up with criminals elsewhere. You have to accept the fact in our position that some A-rated sites—the ones that are environmentally well regulated—may be involved with crime. We need to find a way of saying, "I don't care how well you run your site; you're involved with crime so you can't have a permit". That feels a really important point.

Q102 **Baroness McIntosh of Pickering:** I just have a couple of quick-fire questions. Where is the waste coming from? Presumably, you have registered landfill sites—I understood that most of them were full and that was part of the problem—energy from waste sites and recycling. Is it building waste? Is it contaminated waste? Clearly, it is the criminal element. You come to me and offer to take my building waste if I have had a repair done in the house. I think you look a perfectly respectable person, but I do not ask where you are going to drop it.

Philip Duffy: Exactly. You have hit the nail on the head. At these very large sites such as Kidlington, that is trolled construction and household waste. That does not come from a skip; that came from a facility.

Baroness McIntosh of Pickering: Could you describe trolled further? I have been around a waste site at Harewood Whin near York.

Philip Duffy: Your household waste will go through a thing called a transfer station and a material facility. It will have its metal taken out because metal is valuable. It may be taken for things like biodigesters and there will be various waste streams taken off. But the residual is often ground up—trolled—into smaller pieces, possibly mixed with other forms of waste, and generally that will be heading for incineration or landfill. There are costs by way of tax for landfill; it is currently £126.15 a tonne.

At some point, somebody has paid a facility that has a permit to take on that waste and cover the cost of the tax and other issues. Somewhere someone has not done what they should have, which is send it to recycling, incineration or whatever it might be; they have given it to criminals.

Baroness McIntosh of Pickering: How can you stop that happening?

Philip Duffy: Here is what I think we should do. Every time we have one of these sites, the first question is: where did the waste come from, and who handled it? There are ways we can trace waste. We have ANPR, we can look at where the cars and vehicles came from; there are things we can do. When we have suspicions—I need to tell the committee we have suspicions about a number of permitted sites—the next step is to audit those sites and say, “Well, look, how much came on site? How much went off site? Who did you pay to take this waste away? What did you pay them? How are you sure you’ve discharged your duty of care?” What happens if they cannot answer those questions? In my view, they should have their permits suspended, and if they cannot answer them properly, revoked. That is what should happen.

The Chair: They should presumably be prosecuted. They are mishandling waste.

Baroness McIntosh of Pickering: Can I just pursue this point of duty of care? What is being asked for is that there should be a duty of care and that due diligence is applied through the waste supply chains. That is one question. The other question is: we heard from the ESA that a clear red flag of illegal activity is where there is a long queue of waste vehicles outside a site. That should set a red flag going. Do you have CCTV cameras in situ?

Philip Duffy: All those points are completely right. The ESA is correct about that. If we have intelligence about a sudden spike in attendance at a particular site, we can act on that. We can go and say, “It was all very interesting. Why do you suddenly have all these lorries? Who are you paying them to? Where’s it all going? Have you proved where it’s going is where it’s actually going? Is that place a proper place for that waste to go to?” There are things we could do on those questions.

We have not done very much of this. The number of permits that have been revoked is very low. Walleys Quarry is one I could name. Actually, I want to see more of them. Coming off the Wigan and Kidlington investigations, the acid test of effectiveness is: can you show upstream there are real penalties?

To the Chair’s question about prosecution, of course it is a higher bar because it is a criminal threshold. We have to show intentionality and capability, but there is no reason we should not prosecute people involved with that. They are under obligation to exercise a duty of care and they could commit a fraud. I want to say one thing about prosecutions, though, if I can, Chair.

Baroness McIntosh of Pickering: That is a separate question. I am disappointed that there has been this long delay with the SI because that would address many of the issues.

Philip Duffy: On CBD?

Baroness McIntosh of Pickering: Yes, because the concern is that the

House is about to go into Prorogation and there is a very good prospect that that SI will not be carried. I do not think it is on the forward plan at the moment.

I just have one final question that came from the Environmental Services Association regarding this focus on legal sites and that it is feeling that perhaps you are missing some illegal sites at the earlier stage. It gave us the figures, and about £85 million is received in permit fees but you are spending only £15 million on enforcement. It stands prepared to give you more money. How would you use that money to address the illegal situation? Obviously, like you say, we are dealing with criminals here. The good guys are going to carry on being good guys and it is good that you have identified some good guys being bad guys, but would that extra money help you and how would you use it if you had it?

Philip Duffy: As I said in my earlier comments, we have a lot of concerns from the public about a number of permitted sites. If I can politely challenge my ESA colleagues, I do not think it is quite right to say that we should not spend a decent quantity of our resources on ensuring that permitted sites comply with their environmental limits and they do not always, so that is just a point I wanted to make up front. We have just received £45 million over three years from the Government. It is hot off the press news to me.

The Chair: How many million?

Philip Duffy: It is £45 million over three years.

Lord Ashcombe: Is that £15 million annually?

Philip Duffy: No, it is slightly back ended. It goes £9 million, £15 million, £21 million.

The Chair: It is an important point. We need to know exactly how much money there is going to be.

Philip Duffy: If it is helpful, I can set out the profile for you. I can put that in that letter, if that is useful for the committee. We can do several things with that. We need to improve the quality of our data systems because—to Lord Jay's point—what I cannot currently do is look at suspicious changes from drone aircraft imagery before I have a report and see whether something needs to be investigated. I cannot currently pull in data from the Land Registry and think, "That's a suspicious transaction". We could build a system that could do that quite straightforwardly, and we have partners who can help us do that, so that is one thing.

There is then a question about the level of scrutiny we need to apply to permit holders upstream and the sorts of people and capabilities we need to do that. What that looks like is more like a financial or tax audit. You go into the office and say, "How much did you receive? For how much money? Where did you send it to? For how much money? Show me the money you received for those areas. Show me how you did that. Did you

go and see the site it was being sent to? What assurances do you have?" It is an audit process that we need to do.

Lastly, there is an issue about criminal prosecution. We have not covered that very much here. We have a reasonable track record. The thing I would just observe about it is it takes an unbelievably long time. I have cases I can share with the committee where it has taken us seven years to get a conviction through court delays and all sorts of problems getting the court hearing. Getting a court listing now for a new criminal prosecution, you would be very lucky to get a listing in 2028 for a new charge and that should worry us.

Baroness McIntosh of Pickering: You mentioned an injunction.

Philip Duffy: Yes, we do not have those currently.

Baroness McIntosh of Pickering: You are going to have the same problem of identifying the owner of the site. If that is not clear, to whom would you issue the injunction?

Philip Duffy: We have to think about powers and how we can get an order that prevents anybody from moving waste—whichever owns the land—on to a plot of land. That is the answer.

Q103 **Lord Mancroft:** How many prosecutions do you undertake a year or a week or a month? How many are going at the moment? What convictions do you get?

Malcolm Lythgo: In 2025, there were 93 successful prosecutions out of 110 taken, and it is a similar number if you go back over the last few years as well.

Philip Duffy: Back over the last five years, we have concluded 505 prosecutions, of which 418 led to a conviction. That is an overall rate of 82% of convictions.

Lord Lennie: Were the people convicted running legal sites generally? Are they the prime suspects you are after?

Malcolm Lythgo: That will be a mix. We would have to follow up with details in terms of running permitted sites or illegal sites. I have a gut feeling that will be more heavily weighted towards illegal activity than permitted sites.

Lord Mancroft: That is not a lot for the level of crime that is going on, is it?

Philip Duffy: It is quite a lot for the amount of resource we have working on crime.

Lord Mancroft: I do not doubt that.

Philip Duffy: Against the scale of offending it is not a huge number, but also the penalties are not very severe.

Malcolm Lythgo: Can I just say that prosecution is not the only measure either. Our people are not just doing criminal investigations and prosecutions; they do a lot of prevention and disruption work. We have lots of stuff around account freezing orders and we do lots of partnership work to disrupt and displace waste. There is lots of activity that we do. Just focusing on prosecutions misses the point.

As Philip said, they are slower and take a lot of time. If we are trying to act quickly, what we need to do is really hit people in the pockets with things such as account freezing orders. Working with HMRC and getting them to go and look at their tax business is faster and a more effective mechanism as well. Something we want to do and are going to do with our performance measures is not just focus on prosecutions. There is lots of criminal activity² we can do that is more effective in the short term than just prosecutions, but they are an absolutely important part of the toolkit.

Q104 **The Chair:** Before we go down the road of prosecutions, which is coming up later, just finishing on this question, I have real concerns about prevention. Philip, you have highlighted the importance of prevention. We have evidence from the ESA about the 10 to 15 permitted landfill sites that could possibly be the source of some rubbish that we see dumped in Hoad's Wood, Kidlington, et cetera because there is obvious illegal activity going on on those sites—as Baroness McIntosh highlighted—with queues of trucks waiting to go in and presumably similar numbers coming out. These trucks are coming from all over the country and are going back out all over the country; these are large movements. This is illegal activity on a massive scale in plain sight in daylight. How is this allowed to carry on? Why can we not turn off the tap?

Philip Duffy: We are agreeing. This shift upstream to the permitted sites—

The Chair: I want to know why this has been going on, why this has not been tackled to date, and what is going to change with your 10-point plan? I cannot see anything that is very different. You are just doubling down on what you say you already do.

Philip Duffy: I do not think that is true. We are doing a very radically different thing. There is a perfectly fair criticism, Chair, that the agency has failed to focus on permitted sites where the waste comes from. That is an entirely fair comment, and I am determined to change that. If there is intelligence that there is a landfill that is sending lorries to be dumped in Kidlington, let us have it and let us examine if that is true and whether we can take action on that site.

The Chair: You have reports. You have the evidence of your own eyes. You have drones and surveillance.

² Note by witness: '...lots of action on criminal activity...'

Malcolm Lythgo: I have spoken to the ESA and I am confused. I do not believe that there are landfill sites that are taking waste out and taking them to illegal sites. Perhaps we can clarify with ESA and feed back. There is illegal activity at landfill sites potentially related to misdescription of waste and landfill tax avoidance but not the movement of waste from landfill sites. Our focus is on transfer stations and treatment sites, which is where the waste is coming from and leaking out into the illegal part of the system. We are aware of the ESA's concerns about a number of landfill sites and are actively engaged with those through the joint unit—with the National Crime Agency, HMRC and others—to investigate what is happening at those sites. That is different to the supply side for illegal waste sites, as I understand it.

Baroness McIntosh of Pickering: Are the landfill sites full?

Philip Duffy: No, there is capacity in them. There is a confusion here because the biggest form of criminality in waste is not illegal dumping, although that is the subject we are discussing today; it is actually tax evasion. That is putting waste in the proper place, under the proper environmental permits, but misdeclaring how much there was and not paying the taxes due. This systematically undermines the business model of legitimate and well-run waste companies, many of which are ESA members. That may be the point that is being referred to with this question. However, the point remains that there are permitted sites—they are not landfills; they are different sorts of facility—that are handling waste and somewhere in that system they are diverting that into criminal hands.

The Chair: Yes, and that is really important. We have not got to the bottom of where the shredded waste is coming from in the mass volumes that it is appearing in our countryside. It is being processed in some way, shape or form, so that we cannot easily identify where it has come from. That is a question we just have not got to the bottom of.

Earl Russell: Can I clarify what you have just said? Is it your understanding that it is coming from waste transfer stations?

Philip Duffy: Transfer and treatment sites, yes.

Earl Russell: I assume you are looking at specific measures you can do to try to monitor those sites more closely, as the Chair put it, to cut off that supply because, obviously, prevention is better than cure and everything else.

Malcolm Lythgo: Absolutely. On the specifics, where we follow them up at some better-known sites, the criminal investigation is following where their waste comes from using automatic number plate recognition and other intelligence to go back up. We know where some of this waste has come from and are taking action against some sites. Again, that is chasing it back. That is after the event. What we need is things like carriers, brokers, dealers, the waste tracking system so that we can know

when it is leaking out of that legal system. That is the medium-term solution to this. With that, we have the intelligence to cut off the tap.

Q105 Lord Rooker: Good morning; thanks for coming. It is not always said, but many of your staff are the unsung heroes as far as the public are concerned because the public do not really know. I want to ask you about the proposal announced back in January for a national police service. This is really the coming together of the National Police Chiefs' Council, the College of Policing, the National Crime Agency and counterterrorism. As a group, they are going to be dealing with really big stuff. I am not saying this is not big, but really big stuff.

We were informed by them all when we started our inquiry that they had no witnesses with a sufficient understanding of the issues that we were going to look at on waste crime. They said, "We've got no witnesses, no understanding". My question to you is: what are you going to do or what have you already started doing—because I assume this will take a while to germinate—to explain to these three bodies what you are doing?

Coming to my question, it goes back to the answers to Lord Ashcombe. You gave a bewildering set of figures to Lord Ashcombe: 275, 165, 340, 111, 146, 49. What I would like to have is a note. You are talking to the new police chief who has no understanding of what you are about. Part of your job is to explain to him what you are already doing to attack the criminal side of waste. Basically, what I would like—with those figures and the others—is a chart of those figures, showing exactly what the people are doing because there only seem to be 49 in the field. You said, "Oh, most forensics is done at the desk". That may be so, but the fact is it is a bewildering array of figures that we really would not be able to take in here. I would like to see it more in a visual form by way of how you might explain to the new police chief what you are already doing so he or she gets a better understanding, because they have told us they are going to start off from scratch with no understanding.

Philip Duffy: Thanks very much, Lord Rooker. I have not seen you since you were Housing Minister, so it is very nice to see you again. Of course we can provide figures in any format that you find useful.

On the question of the national police service, it is early days. There are a few things I would highlight to the committee. First, we operate to a common risk and harm scoring framework called MoRiLE on organised crime with what is currently the National Crime Agency and the regional organised crime units. We determine the primary type of offending, and where it is a higher harm offending—for example, in north Kent we have cases that are very close to more serious organised crime offending, such as gun importation, drug running, those kinds of questions—we normally ask the police to lead in those investigations. We support them and can do things with them such as vehicle stops and other things with our permits, but they take the lead on those investigations. There is a real potential here with the new service to modernise and share IT systems so we have better integration of our intelligence. That would really help.

For example, we are introducing a fit and proper test into permitting. This means, if you want to transfer your permit or acquire a new permit, before we issue the permit we say, "Well, are you involved in crime? Have you paid your taxes? Who are you?" It seems like an obvious thing to do; it is done in tax quite a lot, but it is a very good thing to do. That may require deeper integration with criminal justice partners to work out who is really owning this company and whether they are safe to have a permit. That is one thing we could do.

The Chair: I have stronger checks when I have to open a bank account. Quite honestly, it seems there is one rule for us public members and another for criminals.

Philip Duffy: Carriers, broker, dealers are a particularly weak spot because it is just registration. We are going to change that, and that is why that SI is very important, as Baroness McIntosh was saying.

In terms of other things on policing, something I would say is that for some sites we are talking about here—including our list of high-priority sites—where the gang involved are violent and can be armed, that is a big barrier for us. We would not send our officers who are not armed and not police officers on site to a dangerous environment. We have to get policing partners with us to go on these sites, which can be a delay; they have many other priorities right now. You need to integrate your operational planning with the police if you want it to take effect.

To Malcolm's point about disruption, sometimes the best way of getting the gang doing the waste crime is to arrest them for the other things they are doing, not for their waste crime, because the sentences are longer and the harm is higher. There was a question about the JUWC. Something it does very well is it says, "We've got this waste gang. They're also involved in other offending. Could we prosecute them for that?" Then the prosecution is actually done by the police, not us. That is actually a very effective way of doing it.

Metrics are important. We need some metrics about performance for the joint unit and what we are doing. Disruptions is one. Arrests is another. At the minute, it is hard to tell how well we are doing from outside, so that would be something we could look at when we have the new service.

Your question about induction, training and awareness raising is very well made. I had a meeting on Friday with local government partners and some were talking about the fact that many authorities are small and do not have the resources the EA has. What kind of support do they need to be effective? How would they know how to handle intelligence properly? How can the system as a whole put its arms around some smaller districts that need help with their sites?

Lord Rooker: Maybe the national police service is the ideal body, when it is set up, to run the hotline nationally because there will be a big issue as far as the public are concerned.

Baroness McIntosh of Pickering: They have a local number: 101.

Philip Duffy: On the hotline, what I would say is I just want to defend Crimestoppers because what Crimestoppers does that our hotline does not is it has that very clear brand and it absolutely guarantees anonymity for the person reporting. If you are a scared member of the public—many of the public are frightened and intimidated by these gangs—you need to know that someone is going to handle your call with discretion and they are not going to say, “Joe Bloggs rang up and told us you’re dumping waste”. There is a need to make sure that the public are protected if they are going to help us with this, which Crimestoppers does; it is one of its specialisms.

Q106 **Earl Russell:** The national police service offers new opportunities for looking at how we organise these issues. Is that not an opportunity to consider moving the JUWC and the associated new bodies that are set up under the 10-point plan under the national police service so that you have a fully integrated organised crime network, and some lower end of the scale of the waste crime sector would stay with the Environment Agency? Fundamentally, the Environment Agency is then a regulator and all the serious organised crime is grouped together and you are sharing that joint systems, joint working, linking up prosecutions. Fundamentally, is it not that serious organised waste crime needs to sit with the body fighting serious organised crime?

Philip Duffy: The question of policing focus here is about resources and trade-offs. In defence of policing colleagues, they have a lot on their plate: county lines, drugs, illegal immigration, terrorism. When you do the MoRiLE scoring about harm, you tend to find that waste crime gets you only so far up the list. There are other things that policing colleagues are going to focus on, and they need to focus on because that is the highest priority for the public safety. We have come into this to buttress their effort. It is right and proper that they do the most serious organised crime work, not the Environment Agency; that is obvious. The joint unit is joint, so it is not really the EA unit; it is a mix of staff from different organisations.

When you think about the £45 million the Government have given us, there is a good case for saying: where would you spend your marginal pound? Would you spend it on EA staff? Would you spend it on policing capacity? Would you spend it on HMRC capacity? That is a really good question. What harms are we trying to focus on? Are we clear what the control strategy for those harms is? You are on to something there. Structural change is always expensive and difficult, but the point is very well made.

Lord Krebs: Could I just actually pick up on that last comment you made? The Government have given you an extra £45 million. Have they told you what improvements in outcomes they expect from the £45 million?

Philip Duffy: We have just been agreeing new targets for the agency with them. We are a government body and have to run to targets and outcomes that they set for us. One they have agreed is that we will be on site within 48 hours. As I said in my earlier comment, we are very thinly stretched in some parts of the country and that would require more resourcing so we will look at that as part of that response. They are also very supportive of us doing more work on intelligence and that costs money. We need to build those relationships and have that intelligence handling, which we do not currently have, so that is going to take some money.

Lord Krebs: How do you measure that?

Philip Duffy: How do we measure the intelligence capacity?

Lord Krebs: Yes.

Philip Duffy: There are lots of ways you can measure intelligence effectiveness. You can measure the performance of your targets, the accuracy of your assessed intelligence or the quanta of intelligence you hold. This is not uncommon across other law enforcement bodies; it is just the way you would think about it. At the minute, I would observe we do not have enough intelligence so, before we get to assessing its quality, we need to have enough.

They have left us a bit of wiggle room—I will be going back to Ministers on this—about exactly what needs to be funded. For example, speaking to the point the Chair was making about the ESA's evidence, I am of the view that we need perhaps a bit more focus on tax evasion for some landfill sites than we are currently having. That might require some resourcing from HMRC, so that is a conversation I will have with HMRC, which may have the better people to take on that particular role.

Q107 **Lord Krebs:** You briefly touched on deterrence earlier. Something we heard in our inquiry last autumn was that waste crime is an extremely high-profit, low-risk, low-punishment activity, and a great career to enter into if you are involved in crime. There was an example in Northern Ireland of two people who created £42 million in revenue and then had short jail sentences of one year and 21 months and they still had the money to spend when they got out. In your view, what do you think should happen about deterrence and punishments?

Philip Duffy: The real metric I would like is a deterrence index on waste crime. How could we derive such a thing? We would need to look at the level of penalties, how much waste crime was actually investigated and prosecuted, and how fast that prosecution went. We are thinking experimentally about whether we could do that. Given the delays in the court system and some low sentences you are describing, I have to tell you that is going to paint a pretty bleak picture because I am not sure there is much deterrence currently. That would give us some choices about where we put our marginal activity because it would say, "If you could raise the economic cost of this, you would deter more effectively",

for example. That is where we need to go in the medium term. One way we might do that is publish some experimental indicators of deterrence across waste crime and see what we think because that would give you and others a sense about how we were doing. That is the first thing.

The second thing to add to our earlier conversation is what would really hurt a waste criminal economically is the loss of their ability to trade in waste. That is really where the economic harm to them would come. That would be achieved by essentially cutting them out of the waste system by removing their permits: they could neither accept waste nor move it on anywhere. In that scenario, you could still fly-tip and go house to house collecting waste, but you could not move 10,000 tonnes of trommelled household waste in a weekend; that would take you out of that market and it would reduce your profit margin very significantly. That is something we need to be really mindful of and would raise deterrence in a way that prosecutions do not.

Mr Lythgo raised our work on asset seizures and the team doing that have done a very creditable effort, but they are seizing in the order of £3 million. It is a start, but the sort of money we are talking about here far exceeds that and I am not sure if that really is a deterrent, if I am frank with you. This question of whether the system is working as a whole and what metrics would drive the system is where we need to go for the future.

Q108 Lord Krebs: Coming back to performance measures, do you have a sense of whether the number of illegal sites is increasing or decreasing? The figures that we were given was that last year—2024-25—you discovered 749 new sites and closed 971 existing sites. There is marginal improvement there, but I wonder whether there is a secular trend and whether the number of sites is increasing or decreasing.

Philip Duffy: First, the data is not very reliable. I would not put too much weight on it. It is self-reported; it is based on what comes through the door and it varies when different things happen. The data we have does not really show a very clear pattern. For example, you mentioned last year's number of 749. In 2015-16, it was 1,016 so it has gone up and down within a band over the last decade. It was much lower during Covid, but I guess that is because people were travelling less and it was more difficult to do that kind of work during Covid.

We have the National Waste Crime Survey, which is a good way of getting at something that is illicit and hard to monitor. That would show that very little waste crime is actually reported—barely a third. It also shows that, as the Chair was saying, about a fifth of our waste is mishandled in some way and that is quite a consistent picture. If you look forward, the drivers of waste crime would indicate the problem could get worse without action because the tax rate has gone up, so the benefit of the criminal activity has gone up, and other costs in recycling have gone up. So if you are a criminal in this market, you would think it is an attractive area.

How do we nip that in the bud? We show that, if you are in any way involved in waste crime and you are not exercising a proper duty of care of your waste, there are very painful economic consequences for you. That is what we need to do to turn that around.

Earl of Leicester: By that, do you mean revoke their permits?

Philip Duffy: I do.

Earl of Leicester: Can we just talk about that for a bit? It seems very easy to get a permit. We have heard about the apocryphal story of someone registering his dead dog.

Philip Duffy: That was not a permit, to be clear; that was a carrier broker dealer registration.

Earl of Leicester: How much does it cost for someone to register and get a permit, and how easy is it for you to revoke that? I can imagine if it is worth a lot of money to them, they can no doubt challenge your decision to revoke it.

Philip Duffy: I would not describe it as easy to get a permit. A waste permit is a very complicated document that requires an awful lot of pre-action work. Elsewhere, we are under some pressure to improve the timeliness and rapidity with which we issue those permits. However, what we are seeing is attempts to evade who really controls the site and transfers of sites, so someone has a permit and they can move it. This is a bit of a tax system.

There is also an issue about how long a permit lasts. For example, if I shut down a landfill and stop using it, the permit remains valid. I can reopen it later on, by which point you might find a housing estate built next to it. This has actually happened. So there are some questions about the permits.

On revocation, you are exactly right. Waste criminals are extremely litigious and they stand to lose a lot of money, so we can expect to see significant legal action if we revoke permits. As a regulator, we will confront that with an open mind, put our evidence in front of the courts, and do our best to get those permits suspended. As a matter of natural justice, of course we also need to make sure that people have the chance to put things right so we would normally suspend a permit before revoking it and give the operator a window in which they can put things right and demonstrate they have complied with their obligations. So there is a process to that. My view is if you do not try, you will not succeed.

Earl of Leicester: It sounds like it is not you just saying, "Right, we're revoking your permit; you've got to go through a legal process".

Philip Duffy: No, that is not how it works at all.

Malcolm Lythgo: There is a legal process with an appeal process. As I understand for revocations, the revocation does not hold during that appeal so the permit is—

Earl of Leicester: How long would it take on average?

Philip Duffy: It is a PINS appeal, in essence. It is about nine months and they can operate during that time. That is how the law works.

Q109 **Earl Russell:** Is it fair to say that the whole permitting system—in addition or alongside this 10-point plan and the SI that is coming—could do with a fresh look? You have talked about injunction in other areas. So far, we have talked about stopping or ending permits, but what about a power to freeze permits on an injunction basis that could be enacted immediately where you suspect there are serious waste crimes? Does this need further work from the Government to make the permitting system better?

Philip Duffy: Setting rules for things that pollute, which is what permitting does, has proved to be an effective method of environmental regulation and has delivered us wins in air quality, for example, so that is a good system. The question of powers to deal with criminality more generally clearly needs focus. The Secretary of State said that to you when she came last week and I agree with her. There are lots of things that could be done to tighten that. Quite simply, if we have evidence that you are knowingly moving your waste at prices that cannot be economic to people who cannot possibly process that in a lawful method, you are not fit to hold a permit. That is my view of the matter.

Earl Russell: Nine months seems a long time. Faced with that evidence, you have nine months—

Philip Duffy: It is really problematic that you can carry on trading during an appeal if there is serious environmental harm at stake, which there is in this context.

Earl Russell: Should there be some form of injunction where you could immediately go to court and say this is the evidence?

Philip Duffy: There are lots of options and we should not try to fix them here. You are right that there is a fundamental problem here; that is not a workable system.

The Chair: We need a workable system.

Philip Duffy: Correct.

Q110 **Baroness McIntosh of Pickering:** You mentioned a couple of times about the duty of care. Would you be prepared to insist that there should be a director responsible particularly for the waste operators taking tier 1 waste, such as developers and householder operations? You would not need to go to the site and you would have an identifiable person to which you could issue an injunction, fine or penalty.

Philip Duffy: Yes. What you see in waste crime is organised criminals doing every trick in the book, from tax evasion and other areas, to avoid personal accountability. They create companies; the control of the company is not clear; the company is wound up. They buy land and sell land to people they know are acquaintances. They divert who really owns things. Anything they could do to make it impossible to enforce, they will do. However, it is easy to say, "If you're taking my waste, you are responsible for it. I paid you to be responsible for it so make sure it's disposed of correctly".

It is a very odd feature of this market that the waste and the money go together. You do not pay when your waste is disposed; you pay when it is taken away from you. The money is flowing along with the waste to its ultimate end point. So this question of how you boost accountability is very important. It is not uncommon, is it? I have duties as a director towards health and safety that are personal, so it would not be unprecedented.

Baroness McIntosh of Pickering: What do you need legally to impose a duty of care?

Malcolm Lythgo: The duty of care is a very weak piece of legislation. It assumes that everyone is going to behave appropriately and hand their waste on to somebody else. Because it is paper based, it is therefore then very easy to defraud. If I give my waste to a registered carrier, have I discharged my duty of care? Maybe, because they have a registration. I have not really checked where it is going and they might not know where it is going because they might take it to a site that is going to do some sort of transfer and hand—

The Chair: That is why the digital waste tracking and CBD reforms are urgent.

Malcolm Lythgo: Exactly. It needs strengthening. Coming to your point, a lot of the permissions systems, including registration, start in the waste industry from the premise that everybody is trying to do the right thing. With my criminal head on—sorry, I will rephrase that: with my trying-to-stop-criminality head on—that is not the situation that we are facing. We need to take a little step back and look at our legislation and say, "Okay, well, how do we rewrite it in a way that makes it harder when people aren't trying to do the right thing?"

Q111 **Lord Lennie:** In the light of the growing scale of waste crime, do you consider this committee's call for a root and branch review and the creation of the waste hotline, which we have discussed already, to be misplaced?

Philip Duffy: I would pay tribute to the committee's work in getting this agenda moving at quite a pace in recent months. We can observe that, thanks to the work you have done to highlight the problem and raise particular attention on it, many things that I thought were going to be impossible have suddenly proved possible. The Secretary of State is

really listening and is working very hard on the issue, as am I, so we have come a long way quite quickly. You can get "reviewitis" sometimes. You can have endless reviews. We have covered what the nature of the problem is today. We have admired the problem. What we need now is some action on some powers and leave the agency to do its job in the way I have described today. I am not sure I want more delay and review on those areas.

On the hotline, I have sympathy with it, but it is a more complicated operation than people imply.

- Q112 **Lord Ashcombe:** We have had an hour and a half of fairly heavy discussion, for which I thank you. Nirvana would be that waste crime was not a problem; that goes without saying, but I do not think it is ever going to totally go away. What would you consider good and a success to be in the whole waste crime world?

Philip Duffy: I am really shocked and appalled that we are seeing huge quantities of household and construction trolled waste going on to fields. That is a really serious problem. Criminals will always be with us. People will always try to do things. I accept that. There will be fly-tipping, there will be people doing things randomly around the country. I accept there is a level of crime we cannot obviate. The thing that is shocking to me about some cases is not so much that there were people willing to dump it, but that there are people willing to sign the checks and hand their waste over. That is really serious and a really big problem for the country as a whole. If there is one thing I hope that the agency and I can help do, it is to make that an extremely unacceptable and painful course of action. That is what is going to stop the really grotesque. You will still get fly-tipping and ASB, sadly.

Lord Ashcombe: I totally accept that. Do you think you have a good chance of doing that now? Do you think you have enough power?

Philip Duffy: We launched a 16-week campaign on this earlier this month. I have set the team's target to get some permit holders involved with crime and we will try to revoke their permits. We may fail. If we fail because we cannot get the legal action and the powers through, then I hope I can come back to this committee and talk about why that failed and what we can do about it; but we have to try before we can conclude we cannot.

Lord Ashcombe: I quite agree.

Philip Duffy: Sixteen weeks is not very long. I am very happy to keep talking to the committee, but the question is what was learned in those 16 weeks and how far did you get? Okay, we tried. We learned.

- Q113 **Lord Trees:** I want to come back to the single hotline, which was rejected when we made our original report and that you criticised earlier in this session. You mentioned a problem was there might be 4,000 calls varying in small-scale stuff, local stuff or big stuff. Is that not an argument for having a single little team in one office covering the whole

nation that were highly trained, had all the necessary links to the police, the local authorities and Environment Agency, and who would be in a position to triage a response and then get something done quickly?

Philip Duffy: I do not want you to think I am deeply opposed to this idea; I am not. All I would say is that just operationally we currently have a hotline ourselves taking 100,000 calls a year, 24/7. You might think it is obvious what a waste call is, but it is not obvious because it can be a smell, a leak, a water pollution and so on. There is a job to be done to work out how we deal with those incidents and make sure we respond to them effectively, also making sure that we flag any hazards because sometimes you do not want the public going into an area that might be really hazardous.

It is complicated. I do not like the answer you have had previously that says the citizen should know if it is more than 20 tonnes or not. How would you know? I would not know. That is not a very good answer, is it? There is something to be thought about that. I am not going to commit to doing it today, because there are a lot of things to think about with local government. Local government is very aware that we need to think about how we triage and send out intelligence around those local authorities in a way they can protect the sources and handle that effectively. That is quite a big piece of work.

Lord Trees: You have 100,000 calls to the Environment Agency, but they are not all about waste, are they?

Philip Duffy: No, about 40,000 are about smell and odour, and they are normally linked to waste.

Lord Trees: Is that not an argument for having a specialist group to handle those? I presume that is the best intelligence you get for when things start happening; it is going to be from the public.

Malcolm Lythgo: Sometimes from the public, sometimes via that route, sometimes via Crimestoppers. Our officers are out and about. Local authorities will get in touch when they come across something and they think it is bigger than 20 tonnes. Crimestoppers was the single biggest third-party source of intelligence around waste crime.

The Chair: Not all members of the public would necessarily go to Crimestoppers. The point that Lord Trees is making is a really important one and it is where we really started with this inquiry if you like, and that is that members of the public repeatedly report waste crime and nothing happens. The Environment Agency, the local authority and the police do nothing. That is why we recommended a dedicated waste hotline; not one that is a dead-end one but, as Lord Trees was saying, that is triage and hopefully goes to a rapid response unit in the local area. They can move in real time almost, or just behind real time, and apprehend criminals as they are going about their business in a way that drones, satellite imaging and CCTV cameras cannot, because that information definitely has a delayed time.

Philip Duffy: I worry about your comments, Chair, because if you ring our hotline, we will take action on what you said.

The Chair: That is not what we have heard.

Philip Duffy: You have not let me finish. If you could allow me to finish my answer, that would be helpful. We had 20,000 calls on Walleys Quarry in one year, so it is something we are already aware of. There is a question about whether we should feed back to people who call multiple times on the same issue to say it is in hand. As I have said in this committee, quite often a criminal investigation can take many years to come to fruition, and during that time we are not able to ring the person and say, "This is where it's got to in court; here's where the interview went". We do not give that feedback to people. We might be able to do more on that. It is a really important point for anyone watching this committee that, if you are concerned about waste crime, we need you to report it. If you do not report it, nothing can be done about it.

There is a subsidiary point, Chair, which is about what happens if it is actually a fly-tipping issue. It is a minor issue from our point of view but a major issue from the local community, and you are getting this inter-agency debate, "Oh, it's the local authority; it's the EA". I understand that is a source of irritation for communities. That is not good public administration. I have most sympathy with the committee's work on that, but it is unfair and factually incorrect that if you ring our hotline, nothing is done. That is not something we can allow on record because that is not what happens. The citizen may feel they did not get the feedback they wanted; that is a very good point, but we will take action on that and we do look at those reports we get.

The Chair: We can only go by the evidence before our eyes, and the evidence, for example, in Hoad's Wood and the Bickershaw and Kidlington sites is that repeated calls from members of the public elicited no response from the Environment Agency. We know because, for example, that situation in Hoad's Wood took many years actually from when the first reports were made to the tree clearances as the site was being prepared to when 20 to 30 trucks a day were arriving at the site to dump waste.

Philip Duffy: I am sorry, but that is just not an accurate depiction.

The Chair: I am sorry, but that is the written evidence that we have received. Please go back to the written evidence. If you want to challenge that and say that is not correct, then we can take it up.

Philip Duffy: Hoad's Wood was under investigation for many months by Ashford Borough Council. There is actually a very valid point about inter-agency co-ordination because, at some point, the offending in Hoad's Wood went from small-scale fly-tipping to major organised crime. We could have spotted that earlier because the landholding was fractured; it was sold into hundreds of plots, which is a very unusual thing to happen in an SSSI. There is a question about whether Ashford Borough Council

and the EA were liaising adequately and asking, "Are you sure you're on top of this? You told us you were dealing with it. Is it right?" There is a point about Hoad's Wood that is on the record. I do not think that is because no one was taking phone calls, Chair; that is not accurate.

The Chair: I am not saying they are not taking phone calls; I am just saying that there was no action as far as the public—

Philip Duffy: There was action by Ashford Borough Council, and there was then action—I appreciate the co-ordination was poor—by the Environment Agency. If you ring our call centre—

The Chair: We are going round in circles. What we can all accept is that the site continued to build up over a number of years and it was not until the BBC South East reporter, Yvette Austin, shone a media spotlight on it that any action was taken by the Environment Agency. Unless we accept that there are these issues that need to be resolved within the Environment Agency, then I am afraid any number of 10-point plans will not get us the result that I know, and am very convinced from the testimony that we have heard from both of you today, that you want. I am very sure it is also what the Defra Secretary of State wants, and I hope that you will work to get to that end.

Before we depart, I just want to talk about the Bickershaw site. Initially, we were told that it was not a high enough priority for action. Now we are told that it is. Can I ask what changed?

Philip Duffy: You certainly were not told by me that it was not a high priority. It is clearly a high-priority site; it is one of our red-list sites. As you know, but I restate it, Parliament has decided that the agency should not be funded and does not have the role in waste clearance. That is a decision Parliament and the Government have taken; it is not a decision for me. We are a parliamentary body. We have always seen significant community risks in Bickershaw, and I think you have been to the site.

The Chair: I have.

Philip Duffy: It is really shocking how it is right by a housing estate. It is part of a network of sites in and around Bickershaw that are unregistered, where people are breaking into the site they do not own and they are putting all sorts of waste on those sites and systematically evading police and EA action; so it is a difficult site to do it. Further funding appeared from the Government to do waste clearance, and it is a matter for them, as you heard from the Secretary of State. Defra has actually published a very helpful account of the decisions it took in doing this so you can see it for yourself on the Defra website. It looked at factors such as proximity to housing and social infrastructure, risk of fire, a whole range of factors. The Bickershaw site—entirely appropriately—scored very highly on that particular risk metrics. In the Government's announcement that they are going to finance the clearance of some sites, they put £65 million towards Bickershaw, and it is one of the first three sites they have named that they intend to clear.

The Chair: May I remind you of the figure of £45 million over three years that was published in the 10-point plan or the *Waste Crime Action Plan*? Can you give us real clarity on that? Does that mean an extra £15 million per year on top of the £10 million or not?

Philip Duffy: It does not, because it is phased. I actually have the numbers in front of me.

The Chair: Rather than us going through the figures now because we are well over time, would you send that to us in writing?

Philip Duffy: Yes, of course.

The Chair: Excellent. Thank you very much. Baroness McIntosh has made a very important point about the reforms that we are still waiting for. The CBD reforms are urgent. We are told digital waste tracking is coming in April, but we do not know. We certainly do not know whether there is any funding available for the second phase of the digital waste tracking. That is something that needs clarity. I hope you can write to us further on that.

Philip Duffy: To be clear, the Environment Agency is not responsible for those matters, so it would be for Ministers to write about that.

The Chair: It is for the Government, but as you say, you are a government body and are answerable to Parliament. It would be really useful if you could—with us—continue to ask the Secretary of State for Defra when these will be coming because the exemptions reforms are also delayed. We are told you do not need a root and branch inquiry because all these things were established in 2018, yet we are still awaiting delivery. The waste crime levy and landfill tax reform have been shelved, as far as we know. It is not really clear to us where the urgency is. I hope you can disabuse us of that and please write to us. I am going to be very indulgent and allow Lord Ashcombe to have the last word.

Q114 **Lord Ashcombe:** That is very kind, Chair. Thank you. I apologise for keeping you here a little longer. We were told by the Secretary of State last week that the Environment Agency has a very high bar for clearance of sites. When I asked what that high bar was, the response was an immediate risk to the environment and human health. What I was wondering is if you could share with us—I guess in a letter form—the matrix I suspect that you use to get to that bar so everybody has a clear understanding of where you might get involved and where you do not get involved.

Philip Duffy: Can I answer that?

The Chair: Very quickly because we have more business yet.

Philip Duffy: There is no matrix because it is not part of our functions, so the answer is it does not happen except when it does, and it has only happened three times. On those three occasions, once it happened by

direction, so it was not a decision by us; we just did it because we were under direction from the Minister—that was Hoad's Wood.

In the other two cases, the questions that my predecessor and I had as accounting officer were: can we afford it? Do we have any budget slippage that could cover this? Secondly, is there a very strong value for money case? That often rests upon there being immediate catastrophic economic harm. In the case of the closure of the motorway network at Oxfordshire, it would have been about £8 million a day of lost output to the economy. It was similar at Twyford House in Stoke because it would have closed the railway and the main road.

This is not to say that there are not other ways you could look at it. You could look at social harm and all sorts of issues such as schooling and other forms of fire risk. If you look at what the Government have done in prioritising their waste clearance work, they have published on their website their statistical methodology. That shows how you rank those sites, and that is one of the reasons why the Wigan site has scored so highly.

The Chair: We will call this session to an end, but can I please make an appeal that you do not reject the root and branch review that we have called for? We need an independent look into all the issues that we have talked about today, not least the way the extra money that you have will be allocated and whether there will be enough resources for the crime teams on the ground, actually—from the evidence we have heard, particularly from the police and crime commissioners, they produce results when they work closely with them. I hope that you will join us in calling for a root and branch review; it is urgently needed. With that, I call an end to the public session of today's meeting.