

# **A Criminal Waste - The Organised Crime Involvement in the UK Muckaway and Disposal Process**

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**Key words:** construction waste, criminal intervention, geospatial evidence

## **SUMMARY**

The England and Wales construction industry is estimated to produce nearly 100 million tonnes of waste per annum; a third of all wastes in England and Wales. Much leaves construction sites as Muckaway [see Note below]. However, a small proportion of this, but still a huge quantity for those affected, is infiltrated by organised crime and gets fly tipped.

The England and Wales Environment Agency is involved in investigating and prosecuting the more serious cases of environmental crime where typically several hundred [and sometimes thousands] of lorry loads of construction and demolition waste is targeted at vulnerable sites. Such land is often recreational, rural locations, farmland, etc where landowners are often either unaware or are 'misled' by offers of free landscaping.

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## **- The organised crime involvement in the UK Muckaway and disposal process.**

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### **FULL PAPER**

With regulations tightening, landfill facilities reducing, landfill taxes increasing and the heightened level of construction development projects, the difficulties of disposal of Muckaway and its increasing cost inevitably invites those of a criminal nature to exploit situations where cheaper and easier solutions present themselves. Construction operators may increasingly find that they inadvertently become involved in criminal activities.

That the construction industry provides the opportunity for unsustainable, illegal and fraudulent behaviour, despite the existing regulatory controls, is a sorry indictment on those in the industry and the professions involved. With a potential end result of damaged soils, polluted ground and surface waters, visible disfigurement of the landscape and hazards to both the public and the environment, it is clearly scandalous that such operations are allowed to happen. It gets worse, even down to single site incidents, the illicit profits to be made are into the millions of £s/Euros/\$. Furthermore, the burden of clear up and remediation to be borne by someone else, usually the hapless landowner at a cost of even more.

The potential for 'easy' solutions offered to provide Muckaway removal may be a temptation to identify cost savings at the risk of unethical behaviour. There are clear and significant reputation and liability risks for individual professionals that are unwittingly involved in the consequences of criminal intervention. International law does not generally accept ignorance of the facts as an excuse. Furthermore, the constitutions of both ICE and ICES and many other professional bodies identifies a duty to the public over and above a duty to their membership.

In an attempt to cut out the criminal intervention, Defra during 2007 consulted on proposals to introduce mandatory site waste management plans [SWMPs] for the construction industry. While these plans to prevent fly-tipping are laudable, they may well be just another legislative hurdle. Duty of care, waste transfer notes, registration of carriers, etc are all malevolently manipulated by unscrupulous influences. The intention is to implement SWMPs on projects costing over £250k /E300k. How fortunate for SMEs [below the £250k threshold]; research shows that this sector has a poor awareness of environmental and waste legislation and will have no additional controls.

The reputations at risk within the civil engineering community are not only for individuals and professions but also that of the companies involved. The possibility of any construction project being identified as the 'source' of illegally tipped wastes is likely to be rounded on not

only by the regulatory bodies, Local Authorities, HM Revenue and Customs and the Environment Agency, but by the media and general public. SWMPs are the latest attempt to eliminate fraud, the disregard of the environment and the malevolent misuse of a potential resource.

Social and environmental responsibility should be at the top of the industry agenda. How dispiriting that we continually have to rely on legislation to do what we professionally know is right.



Likely contamination of watercourses



Permanent damage to trees

Note

**Muckaway** *n.* (*mu'ka'wey*) [*colloq*] **1.** material designated for removal from development sites comprising excavation, groundworks, demolition and construction wastes. **2.** cargo carried in 20 tonne tipper lorries, some of which is destined for environmentally vulnerable locations. **3.** the content of vast areas of fly tipped land that is despoiling the landscape and permanently placing the environment at risk. **4.** A commodity provided by the civil engineering and construction industry that regularly benefits organised crime by many £millions.

While no version of the Oxford English Dictionary contains the word 'muckaway', a Google search comes up with 1,500 responses. The word is in current parlance within construction and waste management circles. It is material readily produced continually by construction and civil engineering activities but attracts the interest of criminal elements in our society. The costs of legitimate disposal is high, this factor alone undoubtedly gets the attention of those who have little interest in legitimate waste disposal or processing and scant regard for the environment.

## **BIOGRAPHICAL NOTES**

**Mike Sutton** CEnv FInstCES FRGS FRICS MCIWM. President of Institution of Civil Engineering Surveyors.

Mike Sutton works with the Environment Agency and acts as an expert witness in criminal prosecutions involving environmental offences.

Mike is an Engineering Surveyor employed by the Environment Agency and provides geospatial expert witness evidence. He has over 40 years experience as a Geospatial Engineer; is a Chartered Environmentalist, Chartered Waste Manager and a Chartered Surveyor.

He is a Fellow and currently President [Oct 2007-Oct 2008] of the Institution of Civil Engineering Surveyors [ICES], a Fellow the Royal Geographical Society, a Fellow of the Royal Institution of Chartered Surveyors [RICS] and a Corporate Member of the Chartered Institute of Wastes Management [CIWM]. The Chartered Environmentalist status is awarded by the Society for the Environment

Mike has worked with the Ordnance Survey, London Borough of Croydon, the GLC Department of Public Health Engineering, London Waste Regulation Authority and the Environment Agency.

Mike has sat on Boards and Committees with several eminent professional bodies reflecting the overlapping issues of his specialist areas. These are:-

ICE- Institution of Civil Engineers [vice Chair of the Geospatial Engineering Board 2003 to date],

ICES-Institution of Civil Engineering Surveyors [Chair of the Geospatial Engineering Practice Committee 2001-2007],

ICES-President 2007-present

CIC- Construction Industry Council [member of the Sustainable Development Committee 1996 to date]

RICS- Royal Institution of Chartered Surveyors [member of the Minerals and Waste Management Policy Panel 1996 to 2004], Survey Liaison Group 2003-present].

His role with the Environment Agency is to apply expertise in the fields of surveying, geospatial engineering, construction, wastes management, sustainability and environment protection relating to Environment Management issues. Principally he provides Expert Witness evidence and professional reports for the criminal and civil courts relating to Environment and Waste legislation related prosecutions.

In addition to the Criminal and Civil Courts, the bodies to which he has provided expert evidence includes – UK House of Commons Select Committee, Judicial Review, Employment Tribunal, Planning Inspectorate and HM Revenue and Customs.

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