

JOINT STATEMENT IN OPEN COURT

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

Claim No: QB-2019-004127

BEFORE: Mr Justice Griffiths

BETWEEN:

MR DYLAN SADLER

Claimant

-and-

(1) MR ANTONY JOYNER
(2) JOYNER'S PLANTS LTD

Defendants

STATEMENT IN OPEN COURT

Claimant's Solicitor – Jeremy Clarke-Williams, Penningtons Manches Cooper,

1. My Lord, in this libel action I appear for the Claimant, Dylan Sadler, a senior Solicitor who is one of five Prosecutors who work for the Environment Agency in the west of England. Matthew Howe of Samuels Solicitors LLP appears for the Second Defendant, Joyner's Plants Limited.
2. The Second Defendant is a company which operates three garden centres in Devon under the brand name "Plants Galore". It is also the owner of land at a site known as Cockwells Nursery, near Totnes.
3. From March 2015, the Cockwells Nursery site was leased out to a David Weeks who, together with his business partner, Steven Loveridge, wanted to operate a waste recycling business there. The lease was terminated in January 2016 after learning that Mr Loveridge had been convicted for an unrelated drugs offence, but the waste which had been brought on to the site remained there. On 16 May 2016, a major fire broke out at the site and remained burning for five days.
4. In 2018, the Environment Agency prosecuted Mr Antony Joyner, Mr Weeks and Mr Loveridge for environmental offences committed at the Cockwells Nursery site. Mr Weeks and Mr Loveridge both pleaded guilty and were sentenced at Plymouth Magistrates' Court on 15 May 2018.
5. Mr Joyner was charged with two offences:

1) knowingly causing or knowingly permitting the carrying on of a waste operation, except under and to the extent authorised by an environmental permit contrary to regulations 38(1)(b) and 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016; and

2) keeping controlled waste without a permit, contrary to sections 33(6) and 33(1)(c) of the Environmental Protection Act 1990.

Initially Mr Joyner pleaded not guilty and the case was sent to the Crown Court. However, on 19 November 2018, he pleaded guilty to count 2) at Exeter Crown Court and was fined £3,600, ordered to pay £4,250 to Devon & Somerset Fire and Rescue Service, and ordered to pay £5,000 prosecution costs. Count 1) was not proceeded with.

6. Mr Sadler was the Environment Agency solicitor who brought the prosecution against Mr Joyner, Mr Weeks and Mr Loveridge. His claim for libel arises from allegations contained in a Press Release (“the Press Release”) headed **“Environment Agency facing “an inconvenient truth” about waste transfer station at Cockwells Nursery, Totnes”** which was published by the Second Defendant from 22 November 2018 on their website called “Plants Galore” which is located at www.growndirect.co.uk
7. In the Press Release, Mr Sadler was accused of very serious professional misconduct including inducing a convicted criminal to concoct false evidence, pursuing a prosecution which had no prospect of success (thereby wasting large sums of government money) and of being a solicitor willing to go to any length to obtain a conviction, whether fair or not.
8. These allegations were untrue and without foundation. Mr Sadler had conducted this prosecution entirely professionally and properly, just as he does in all his cases. By publishing the allegations on their website, with a link to it from the Home Page, the Second Defendant ensured that their allegations were seen by a very significant number of people and that considerable harm was caused to the professional and personal reputation of Mr Sadler within the community where he lives and works, and where his reputation is most important.
9. The damage and upset caused by these false allegations was aggravated by the Second Defendant sending copies of the Press Release to local councillors, media outlets and the Member of Parliament.
10. Following the outcome of a trial of preliminary issues in these proceedings Joyners Plants Limited have accepted their liability and are represented in Court today to retract publicly the false allegations which they published about Mr Sadler and to apologise unreservedly for the damage and upset caused to him by their Press Release. In view of the willingness of the Second Defendant to make an unqualified and public apology, and the fact

that they have agreed to pay Mr Sadler compensation and his legal costs, the Claimant is now prepared to let the matter rest.

Second Defendant's Legal Representative

11. I agree with everything my friend has said. Joyners Plants Limited offer their sincere and unqualified apology to Mr Sadler for the embarrassment and distress caused to him and for the serious harm to his professional and personal reputation.

Claimant's Solicitor – Jeremy Clarke-Williams, Penningtons Manches Cooper

12. With that, Mr Sadler is content. It only remains for me to seek permission to withdraw the record.

Dated this 1st day of March 2021