

**Report of the Head of Scrutiny and Member Development**

**Report to Scrutiny Board (Environment and Housing)**

**Date: 8<sup>th</sup> December 2015**

**Subject: Peckfield Landfill Site– Tracking of Scrutiny recommendations**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**1.0 Purpose of this report**

1.1 This report sets out the progress made in responding to the recommendations arising from the previous Scrutiny inquiry regarding Peckfield Landfill Site.

**2.0 Background information**

2.1 Last year, the former Safer and Stronger Communities Scrutiny Board responded to a public request for Scrutiny in relation to the Peckfield landfill site near Micklefield. The Board agreed to undertake an inquiry to consider the ongoing issues linked to the operation of this site and the role of the Council and the Environment Agency in this regard.

2.2 The inquiry concluded in March 2015 and a report setting out the Scrutiny Board's findings and recommendations was published April 2015. This report is available via the Council's website ([click here for inquiry report](#)).

2.3 It now falls within the remit of the Environment and Housing Scrutiny Board to continue to track the recommendations arising from this inquiry.

**3.0 Main issues**

3.1 The Scrutiny recommendation tracking system allows the Scrutiny Board to consider the position status of its recommendations in terms of their on-going relevance and the progress made in implementing the recommendations based on a standard set of criteria. The Board will then be able to take further action as appropriate.

3.2 This standard set of criteria is presented in the form of a flow chart at Appendix 1. The questions in the flow chart should help to decide whether a recommendation has

been completed, and if not whether further action is required. Details of progress against each of these recommendations are set out within the table at Appendix 2.

#### **4.0 Recommendations**

4.1 Members are asked to:

- Agree those recommendations which no longer require monitoring;
- Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

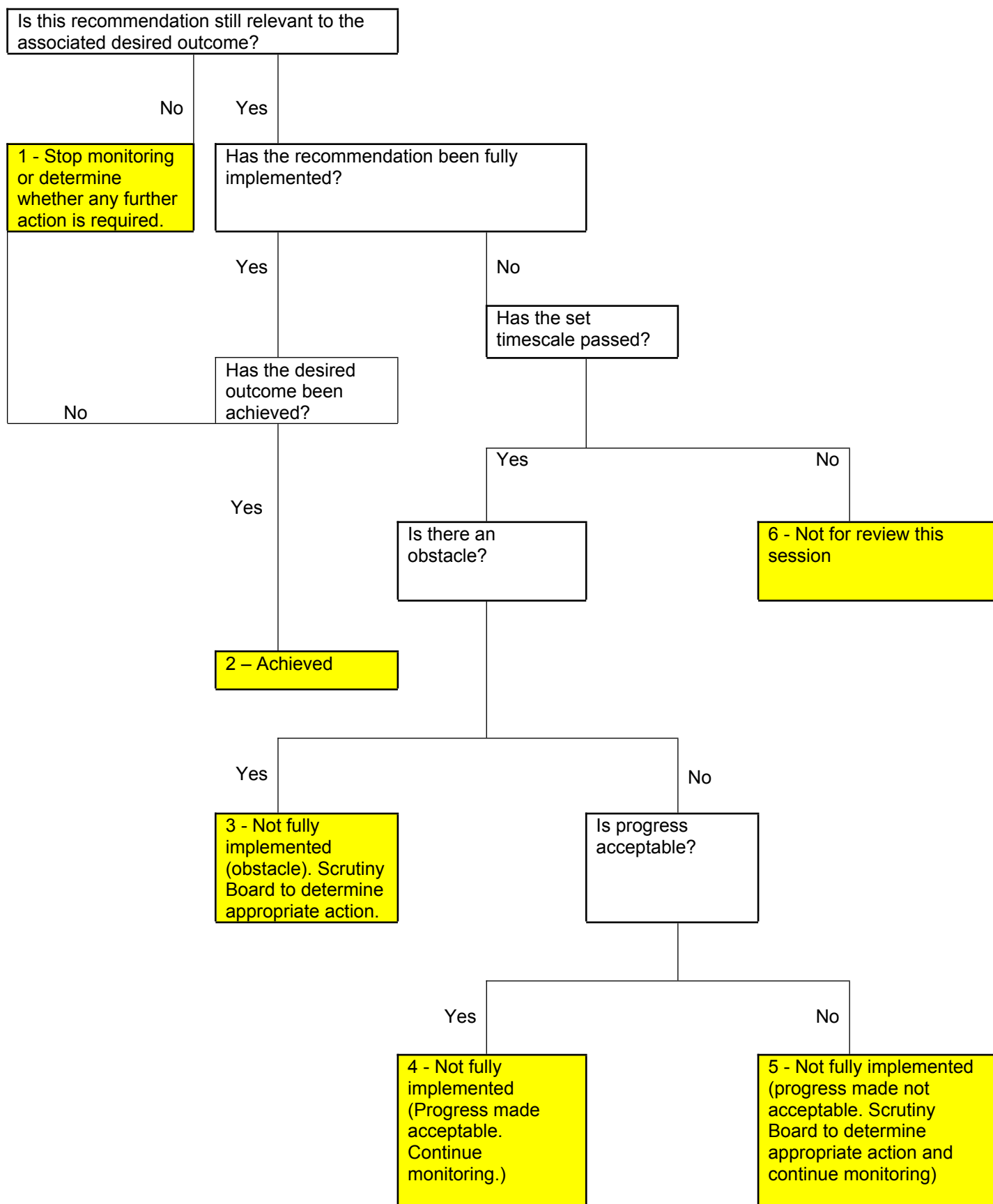
#### **5.0 Background documents<sup>1</sup>**

5.1 None.

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

**Recommendation tracking flowchart and classifications:**  
**Questions to be considered by Scrutiny Boards**



Position Status Categories

- 1 - Stop monitoring or determine whether any further action is required
- 2 - Achieved
- 3 - Not fully implemented (Obstacle)
- 4 - Not fully implemented (Progress made acceptable. Continue monitoring)
- 5 - Not fully implemented (Progress made not acceptable. Continue monitoring)
- 6 - Not for review this session

**Desired Outcome – A well-managed site**

**Recommendation 1** – That the operator gives a commitment to proactively manage the site to minimise odours and litter escape and that the operator agrees an operating protocol with the liaison committee. As a minimum we would expect the operator to include;

- Notification of pending weather conditions and actions proposed to manage adverse weather
- Odour control standards
- A schedule of meetings of the liaison committee
- Regular reviews of the effectiveness of current equipment used, e.g. litter nets
- Regular joint reviews with the Environment Agency and the liaison committee of the actions taken to mitigate litter and odour issues on site

**Current position:**Response from Caird Peckfield:

The site is regulated by rules and standards set out in its Environmental Permit, a regulatory and legally binding document that is produced and enforced by the Environment Agency. The company also has a management system including set procedures and operational plans that have been submitted to, reviewed, and approved by, the Environment Agency. This management system, or operational plan, includes measures and procedures pertaining to all aspects of site management and associated activities. These procedures and standards cover all aspects of the day to day and long term operation of the site and already include such items as “odour control standards” and provision for periodic review of both procedures and infrastructure. We have stated that, if deemed useful and/or necessary, we would be more than willing to make aspects of the site’s management system and operational controls available for members of the Liaison committee to view and/or discuss in more detail as and when desired.

Response from the Environment Agency:

The Environment Agency attend the liaison meeting arranged by CPL, we make regular visits to the site and continue to monitor and review all activities to ensure they are in compliance with their permit conditions.

**Position Status (categories 1 – 6)** *This is to be formally agreed by the Scrutiny Board*

**Desired Outcome – Strong written agreements relating to site management**

**Recommendation 2** – That Planning officers revisit the 'Memorandum on the operation of Liaison Committees for mineral working, waste management and energy sites' to see if it can be strengthened to ensure greater commitment from operators.

That the liaison Committee be consulted on any proposed changes, prior to it being adopted by the Council's Plans Panel.

**Current position:**

Response from Caird Peckfield:

With regard recommendation 2, and in particular the issue of ensuring "greater commitment from the operator", we feel it pertinent to note that, since overtaking management of the site, a Caird Peckfield representative has attended each and every scheduled Liaison Committee meeting to date. Indeed, shortly after the start of our tenure on site, the frequency of the meetings was increased so as to provide more opportunities for greater communication between ourselves as the operator and the residents and other relevant parties - a measure we readily and happily agreed to. We feel that the liaison committee meetings have been extremely useful in providing a platform for concerns of the local residents to be heard and discussed, as well as providing ourselves with the opportunity to explain/outline some of the activities and proposals for our management of the site to the interested parties.

Response from Minerals & Waste Planning Team:

As outlined at the 17 November meeting, officers have liaised with the ward member and Chair of the liaison committee, Councillor Harland, on potential changes to the memorandum. The changes are in the process of being discussed with Councillor Harland and legal services to ensure that the memorandum covers all the appropriate points. The memorandum will then be presented to the next available liaison committee.

**Position Status (categories 1 – 6)** *This is to be formally agreed by the Scrutiny Board*

**Desired Outcome – Strong pro-active communication/community engagement from Caird Peckfield**

**Recommendation 3** – That the operator does not rely on the Environment Agency for its community engagement activities and that proactive and timely communications is the norm in its relationship with the residents of Micklefield.

The operator is expected to produce a community consultation strategy to be agreed with the Peckfield Landfill Community Liaison Committee.

**Current position:**

Response from Caird Peckfield:

At the early stages of our tenure at the site, a strategy for communicating site issues to the local residents was developed, a contactable website created and a newsletter produced. However, this was poorly received with issues cited relating to how the newsletter should be distributed and who it should be distributed to, as interest from the wider local community seemed very limited. It was decided then that by discussing the issues with those local residents present at the liaison committee, this information could then be easier disseminated by those attendees to interested/affected parties via the local parish council meetings. In addition to this, and after discussions amongst all parties at the liaison committee, the EA then took the decision to appoint an officer specifically to role of community liaison. As the minutes of November 2013's liaison committee meeting confirm: "Robin Bispham (EA) encouraged feedback to Claire Dickinson (EA Officer). CD confirmed hers as a new role with a remit to communicate with residents; she welcomed dialogue with the community around how frequently they would like to be communicated with and what form this communication should take. CD's role would provide consistent contact point for residents concerns and she was looking to set up a residents meeting mid to late November." We were clearly then of the understanding that the lines for communication of site issues and activities had been agreed and finalised and did not see this as "relying on the EA for its community engagement activities" at all. However, in response to more recent discussions at the liaison committee, but prior to any actions or undertakings by the Scrutiny Inquiry, we have now taken the step of creating an additional web-based community engagement platform in order to update interested residents about more short term issues, such as updates on site closures in relation to adverse weather conditions etc. This has taken the form of a public Facebook page with links to the Micklefield Community Facebook page. So far, the updates via this medium have been well received. We will continue to look further into how community consultation and engagement can be achieved and maintained in order to ensure full transparency and availability to local residents of all necessary information relating to the site and its associated activities.

**Position Status (categories 1 – 6)** *This is to be formally agreed by the Scrutiny Board*

## Desired Outcome – Readily accessible Caird Peckfield representatives

**Recommendation 4** – That an 'Out of Hours Protocol' be drawn up by the operator to be agreed with the Peckfield Landfill Community Liaison Committee. The approved Protocol should be clearly communicated to the residents of Micklefield.

### Current position:

#### Response from Caird Peckfield:

In relation to out of hours complaints, an “out of hours protocol” was one of the first suggestions brought by ourselves to the liaison committee upon taking over management of the site. However, discussions at the committee meeting came to the conclusion that this idea was not something the committee deemed to be necessary. As the minutes of the June 2013 committee meeting state: “Craig Wood (EA) responded that he would be in favour of all complaints going through the Environment Agency in the first instance. Subsequent discussion around the table supported this idea. Cllr Harland asked whether the Environment Agency Incident Hotline number (0800 807060) could be communicated to the Parish Councils. It was agreed to drop the out of hours reporting system, in favour of the EA acting as a central point, via the incident hotline.”

However, emergency contact numbers are provided on the site identification board located at the main entrance – a site permit requirement. These emergency numbers used to go through to the on site security who, if they cannot deal with the call themselves, have the authority to contact site management representatives for further advice or to arrange necessary actions. In response to discussions during the recent Scrutiny Inquiry, we have now amended this protocol so that the initial call is directed to a centralised control office rather than the on site security guard as previously. The control office will then make the decision as to whether the issue can be dealt with by the on site security officer or whether site management will need to be contacted, and redirect the call as necessary. By adding this amendment to the protocol, we are confident that a more efficient and effective handling of out of hours queries or complaints has been achieved. Provision was also made for publicising the out of hours contact numbers on the new Facebook page, as a more immediate way for residents to locate the contact details if they are required. This has been, seemingly, well received.

#### Response from the Environment Agency:

The Environment Agency has an agreed protocol for passing any odour, noise, dust or litter reports we receive to CPL out of hours.

**Position Status (categories 1 – 6)** *This is to be formally agreed by the Scrutiny Board*

**Desired Outcome – Readily accessible Environment Agency representative**

**Recommendation 5** – That the Environment Agency publishes the name and contact details of their officer responsible for regulation of the Peckfield Landfill site.

**Current position:**

Response from the Environment Agency:

We do not publish EA officer names and numbers to enable direct contact.

Reporters always need to make their incident reports via our 24 hour incident hotline so that they are logged properly and with all the relevant information. The EA newsletter which goes out with Parish Council updates also directs residents to the Micklefield email in box (details below), where questions can be asked of our engagement lead. Extract from the newsletter:

*How you can help us*

*We run a 24-hour incident hotline. You can use this number to tell us if the site is causing a nuisance. Our hotline number is **0800 807060**. In order to gather reliable evidence we need reports to be timely and accurate. The officer taking the lead on our engagement with the community is **Claire Dickinson**. You can contact Claire by emailing **micklefield@environment-agency.gov.uk** or through our Customer Service number **03708 506506**.*

**Position Status (categories 1 – 6)** *This is to be formally agreed by the Scrutiny Board*



## Desired Outcome – Clear Restoration and Aftercare Scheme

**Recommendation 6** – That Planning officers ensure an acceptable Aftercare Scheme is in place for the landfill site.

That Planning Officers ensure that the landfill site is restored in a timely manner.

That residents be advised of the approved Aftercare Scheme.

### **Current position:**

#### Response from Minerals & Waste Planning Team:

A comprehensive aftercare scheme for the site was approved on 27 August 2015. Officers reported the progressive nature of the restoration of the operation at the 17 November meeting. Capping and restoration are discussed at the formal monitoring visits undertaken by the Council. A significant area of the landfill within cell 7 and part of cell 8 was inspected during September and this area has now been soiled and grass seeded. The liaison committee will be advised of the approved aftercare scheme at its next meeting.

**Position Status (categories 1 – 6)** *This is to be formally agreed by the Scrutiny Board*

## Desired Outcome – Collaborative working between LCC Planning and the Environment Agency

**Recommendation 7** – That Planning officers and Environment Agency officers build on their good relationship and consider how collaborative working can be extended to ensure better outcomes in relation to the Peckfield Landfill site and future landfill sites. This to include an agreed protocol on formal consultation in respect of planning applications and environmental permits for waste disposal.

### Current position:

#### Response from the Environment Agency:

The EA and LCC Planning and other LA departments continue to forge a strong relationship, working collaboratively on many waste sites.

We have not set up a locally agreed protocol on formal consultation in respect of planning applications and applications for environmental permits as we already have an agreed External Consultation Checklist.

The guidance informs Local Planning Authorities (LPAs) of the types of planning consultations where the Environment Agency would like to be consulted. It describes the categories of development that could potentially impact on the environment and includes those for which we are listed as a statutory consultee in the Development Management Procedure Order 2015 (DMPO) and current Government planning policy.

This enables local EA Environment Management teams (regulatory officers) and Sustainable Places (SP) teams (planning liaison) to maintain contact with all LPAs in relation to development that includes the storage, transfer, process, treatment, and/or use of refuse or waste.

To supplement this guidance our SP team are in daily contact with LCC planners with regard to all aspects of land use, including landfill. Within SP there are three officers that work regularly on LCC consultation and should partners wish to facilitate a further consultation on any waste issue then this is possible through our existing collaborative working practices.

#### Response from Minerals & Waste Planning Team:

Minerals & Waste planning officers maintain a close and collaborative working relationship with colleagues in the Environment Agency and meet regularly to discuss waste sites and issues within Leeds.

The Environment Agency is consulted on all major waste planning applications in line with their published criteria and the Council is consulted on Environmental Permit applications for waste sites within Leeds.

**Position Status (categories 1 – 6)** *This is to be formally agreed by the Scrutiny Board*

## Desired Outcome – Assurances of health and water quality

**Recommendation 8** – That the Environment Agency commission ground water testing in the site area and the testing of the Pit Lane Pond.

### **Current position:**

#### Response from the Environment Agency:

On the 26 February 2015 the Environment Agency undertook an audit of routine groundwater sampling, during this audit it became apparent that some procedural aspects were not undertaken in line with CPLs own Operating Procedure, known as Groundwater Management and Monitoring, PEC 2.3.40. Non-compliance scores were recorded against the permit and a number of recommendations were made to ensure that groundwater sampling was undertaken in accordance with the procedure. This was discussed briefly at the scrutiny meeting in April to assure members that all aspects of the landfills activities were being monitored.

The Environment Agency does not undertake groundwater testing unless it considers there to be a specific need or environmental risk that must be addressed immediately. As part of the ongoing monitoring of the site on the 31 July 2015 a further audit of routine groundwater sampling was undertaken, the purpose of this audit was to assess whether the recommendations made in the audit undertaken on the 26 February 2015 had been addressed.

As part of CPLs procedure groundwater quality was monitored in groundwater boreholes numbered GW1 to GW7. These consist of up gradient, down gradient and peripheral boreholes, details of which are also outlined in section 6.2.3 of the sites Hydrogeological Risk Assessment. As part of the process the inlet to the balancing pond is also analysed as groundwater, as this is an ideal indicator of contamination, as it consists of groundwater pumped from the sub-cell groundwater drainage blanket.

The full GC/MS screen conducted on the quarterly samples does not reveal any dangerous substances in groundwater, which gives reassurance that landfill leachate is not impacting upon groundwater at Peckfield Landfill Site. This audit confirmed that the site is now undertaking groundwater monitoring in accordance with the agreed Operational Procedure.

**Position Status (categories 1 – 6)** *This is to be formally agreed by the Scrutiny Board*

## Desired Outcome – Assurances over the health consequences of Landfill Sites

**Recommendation 9** – That a health study led by Public Health is outlined, scoped and costed by all relevant parties. This to include data collection from all GPs in the area used by local residents.

### **Current position:**

The Office of the Director of Public Health at Leeds City Council and Public Health England (PHE) have worked together to investigate concerns raised by Micklefield residents about the possible health impact of the Peckfield landfill site. Health data has been analysed from a range of sources including local GPs relating to conditions that affect the lungs, the heart, the brain, the weight of newborn babies, congenital abnormalities and some cancers. These health conditions reflect the concerns raised by the residents of Micklefield and are those most likely to be associated with a landfill site such as Peckfield.

A report summarising the findings has been produced (*this is attached as appendix 3*). The data presented in this report show no evidence of more ill health in the people living in Micklefield than would be expected. None of the health data shows higher levels of disease, low birth weight babies, congenital abnormalities (birth defects), deaths or hospital admissions in Micklefield compared to other nearby similar areas. The data are reassuring in that they do not find any evidence of an increase in health problems that could be attributed to the Peckfield landfill site.

In addition to the above investigation PHE have conducted a further literature search around the health impact of landfill sites including the mental health impact of odours (*this is attached as appendix 4*). This builds upon a study, “the Impact on Health of Emissions from Landfill Sites published in 2011, by PHE’s predecessor body, the Health Protection Agency (HPA). The study concluded that a well-managed landfill site does not pose a significant risk to human health. The latest review of the literature by PHE did not identify any studies looking specifically at mental health issues arising from odours related to operational landfill sites.

**Position Status (categories 1 – 6)** *This is to be formally agreed by the Scrutiny Board*