

Report of the Head of Governance Services

Report to Scrutiny Board (Environment and Housing)

Date: 22nd September 2016

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 In September 2014, 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 monitor the implementation of the recommendations arising from this inquiry. During November and December 2015, the Scrutiny Board tracked progress and 3 of the 9 Scrutiny recommendations were officially signed off. In April 2016, the Scrutiny Board was notified that the Peckfield Liaison Committee had worked with the Council to revise the 'Memorandum on the operation of Liaison Committees for mineral working, waste management and energy sites' in accordance with a recommendation made by the former Safer and Stronger Communities Scrutiny Board. A copy of this Memorandum was shared with the Scrutiny Board and this recommendation was also signed off.

2.4 As well as tracking progress with the Scrutiny recommendations, the Environment and Housing Scrutiny Board also considered more broadly the respective roles of the Council and the Environment Agency in relation to the general management of landfill sites. In doing so, the Board focused on 3 key areas of interest:

- Communications with local residents in relation to the management of the site;
- Restoration and Aftercare planning;
- Contingency planning in the event of a landfill operator going out of business.

2.5 Whilst the main purpose of today's meeting is to consider the progress made in relation to those recommendations that still remain open, the Scrutiny Board will also be considering the current situation in relation to the above key areas of interest.

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:

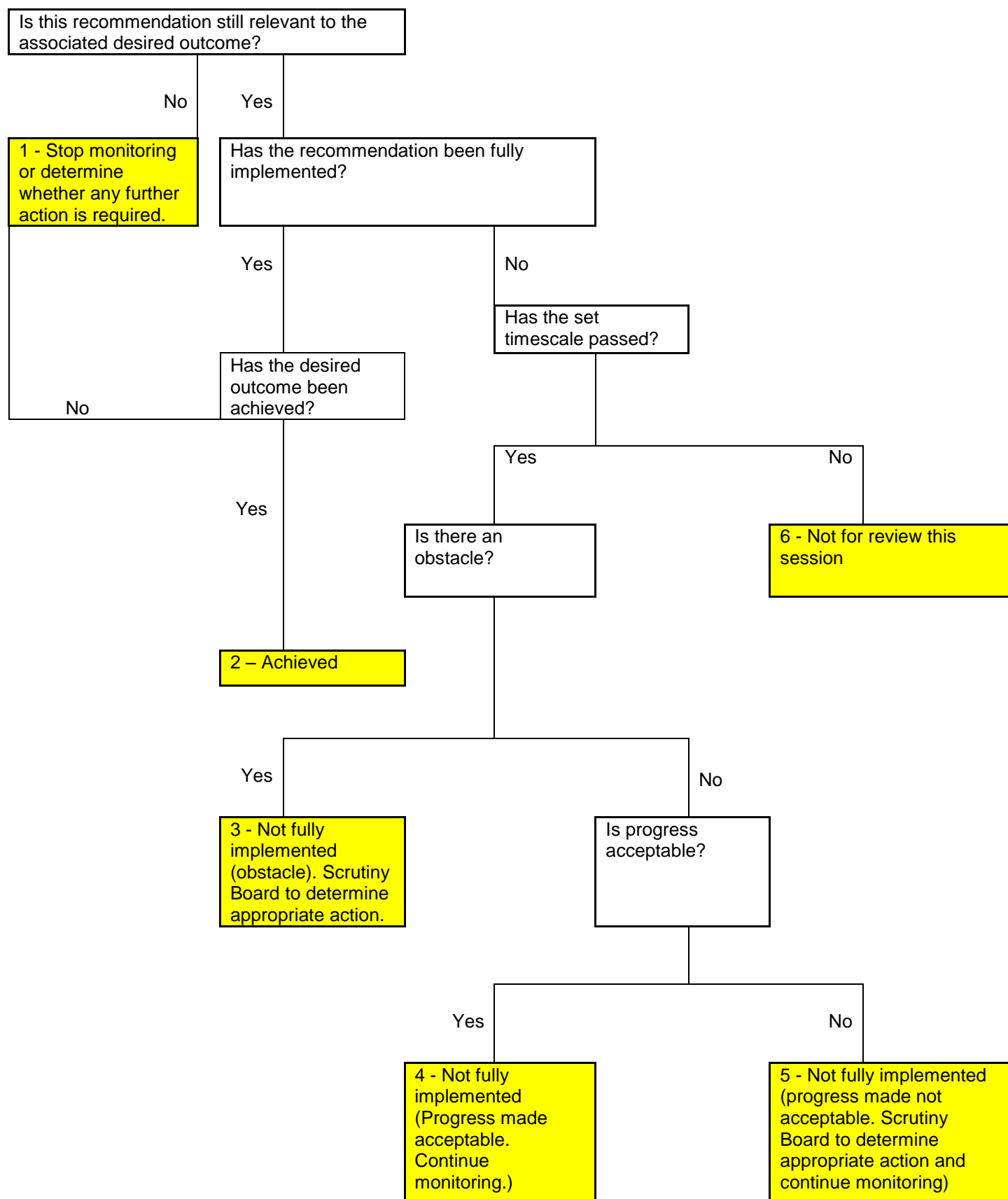
- Agree those recommendations which no longer require monitoring;
- Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

5.0 Background documents¹

5.1 None.

¹ 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

Position reported in December 2015: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.

Current position:Response From Caird Peckfield:

The current position regarding this recommendation has not changed. As described in our initial response, as shown above, the site remains regulated by the Environment Agency with regard to standards and procedures for the control of odours and litter. Regular reviews of the effectiveness of current equipment and/or infrastructure used (e.g litter nets) are undertaken in-house on a daily, weekly and quarterly basis, in the form of detailed site inspections, as part of the site's approved management system. The EA continue to undertake their own reviews in the form of regular site inspections. Regular joint reviews with the EA and liaison committee do, as always was the case, take place on a regular basis and will continue to do so.

Sept 2016 update from the Environment Agency:

The Environment Agency continue to undertake regular site inspections on the site and address any concerns with respect to odour off site with Caird Peckfield. No recent issues with litter escape have been encountered.

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.

Position reported in December 2015:

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.

Current position:

Response from Caird Peckfield:

With regard to this particular scrutiny report recommendation, and further to the comments made in our previous response, we feel that the aforementioned public Facebook page has provided a good link for communicating with the local community. Views and subscribers to the page have increased substantially since its introduction, with links to the village's own community page providing further dissemination of the information provided. Initially, the

page was used only to notify interested parties of when the site was taking action to prevent potential amenity issues from site activities arising, such as notifications that tipping activities may be suspended due to high winds so as to minimise the potential for litter migration away from site. After further and regular consultation with the liaison committee, we now post weekly updates regarding all types of activities that take place on site, regardless of whether these activities may have any impact on the local community or not. These posts include such things as updates on progress of engineering works and infrastructural developments at the site, in order to keep those residents who want to know about the site up to date with how works are progressing. We believe that this has been a successful exercise in increasing the engagement between the community and ourselves as the operator of Peckfield Landfill Site, and will continue to consult with all relevant parties with regard to how to develop further our communication and community engagement strategies.

September 2016 update from the Environment Agency:

We no longer have an Environment Officer appointed to specifically liaise with and communicate with the residents. Roy Thompson, the Regulatory Specialist in our Yorkshire Area Landfill Team can answer any specific queries related to environmental matters. He can be contacted through our National Customer Contact Centre on 03708 506 506 or by e-mail at micklefield@environment-agency.gov.uk. If you are experiencing any problems or have any concerns related to the landfill site please report them to us as soon as possible. The Environment Agency operates a 24-hour incident hotline. You can use this number to tell us if the site is causing an odour or other pollution. Our incident hotline number is 0800 807060.

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.

Position reported in December 2015:

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.

Current position:

Response From Caird Peckfield:

The current position regarding this recommendation is as was previously reported. The out of hours protocol has been seen to be effective since its implementation and will remain in place.

September 2016 update from the Environment Agency:

The protocol for the EA to contact Caird Peckfield out of hours remains in place and all reports relating to the site are passed onto Caird Peckfield to investigate.

In hours complaints are also passed onto Caird Peckfield to investigate. On a weekly basis Caird Peckfield provide an update to the Environment Agency on each of the reported incidents.

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.

Position reported in December 2015:

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.

Current position:

The site's approved Aftercare Scheme was presented by the operator's landscape architect and distributed to the members of the Community Liaison Meeting on 12th July 2016.

The pace of site restoration compared to infilling is slow. Cell 8 has been capped but is largely unrestored. Cell 9 has been infilled, capped but requires restoration. Cell 10 is partially capped and remains unrestored. A void space referred to as the 'Eastern Neb', located in the eastern-most part of Cell 10, is to be filled with inert waste only and this area remains unfilled and unrestored. It is here that tailings are being removed for engineering of Cell 11's sidewall. Cell 11 is the active cell where waste disposal operations are currently taking place. In conclusion, the current waste disposal and restoration operations at the site are confined to Cells 8, 9, 10 and 11.

Condition 35 of the planning permission for the site requires that:

'Restoration shall progressively follow waste disposal so that waste disposal and restoration operations are confined to not more than 3 successive phases (cells) at any one time. In the interests of visual amenity'.

The operator is in breach of Condition 35 given that waste disposal and restoration operations are confined to more than 3 successive phases (i.e. Cells). Planning officers relayed this information at the July Community Liaison Meeting. The operator responded to say that they were experiencing difficulty in sourcing the appropriate restoration soils so that operations could take place to fully restore Cell 8. An officer letter dated 23rd August 2016 was sent to the operator requiring steps to be taken to complete the full restoration of Cell 8 to the approved pre-settlement contours by 30th September 2016. Officers were invited to the landfill on 12th September 2016 to inspect the imported subsoils to be used in the restoration of Cell 8, which was found to be suitable for use. Topsoil will also be required and officers will make the necessary checks again once this has been imported. Caird Peckfield has since confirmed its commitment to the restoration of Cell 8 by 30th September

2016. Officers have advised the operator that the restoration of Cells 9 and the capped parts of 10 should be undertaken progressively behind the restoration of Cell 8.

During discussions between the operator and Environment Agency at the July Community Liaison Meeting it became apparent that the operator's intention is to infill the 'Eastern Neb' in Cell 10 following the completion of infilling in Cell 11. Vehicular access would be required to cross Cells 9 and 10 in order to reach the 'Eastern Neb' therefore the full restoration of these cells is likely to be compromised. Additionally, the approved sequencing of infilling suggests that Cell 11 should be the final cell to be infilled, restored and put into aftercare. Any operational phasing arrangements which significantly deviate from that approved and/or that would restrict or prevent the timely and progressive restoration of the site will be resisted by officers. This information was relayed at the July Community Liaison Meeting. A letter was subsequently sent to the operator requiring their formal response and the matter was further discussed during the officer site visit of 12th September 2016. Caird Peckfield have subsequently confirmed that they are to employ the services of a planning consultant (SLR) to consider what approach might be best to tackle the issues and, where possible, provide a solution for all parties. It might be the case that the operator submits a S73 Variation of Condition planning application to somehow resolve the phasing and access issues. These matters will be discussed with the operator's planning agent and any update will be verbally presented to Members at the Scrutiny Board meeting.

Response from the Environment Agency:

Engineered cap was installed on the area of Cell 9a, 9b & 10a in April 2016. Restoration soils have not been placed on these cells. The Environment Agency have informed Caird Peckfield that this work must be completed as soon as possible.

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.

Position reported in December 2015:

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.

Current position:

Response from the Environment Agency:

Groundwater continues to be monitored in accordance with the agreed Operational Procedure and the results from the GC/MS screen conducted on the quarterly samples does not reveal any dangerous substances in groundwater.

In July 2016 there was an isolated surface water incident with elevated levels of ammoniacal nitrogen levels within the balancing pond, this did initially impact upon Sheepdyke. The source of the ammoniacal nitrogen within balancing pond was from pumping activities being undertaken within the Eastern NEB to remove standing water to allow extraction of colliery tailings for further engineering works.

We do not believe that Caird Peckfield is having any negative impact on Groundwater.

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